



safejournalists.net

SERBIA

Indicators on the level of media freedom and journalists' safety 2022



SERBIA
Indicators on
the level of
media freedom
and journalists'
safety 2022

Author
Rade Đurić

Original title

Serbia – Indicators on the level of media freedom and journalists' safety 2022

Publisher

Independent Journalists' Association of Serbia
Belgrade, 2022

**Author**

Rade Đurić

Report reviewer

Professor Aleksandra Kostić, PhD

Language editor for Serbian edition

Nataša Polić

Translator

Anica Milenković

Cover photo

Andrija Vukelić

Design

comma.rs

Copies

50

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.



Introduction	7		
A Legal protection	9		
A1 Legal guarantees for the freedom of media and journalists and their implementation in practice	9	B4 Editorial independence of the non-profit media	26
A2 Effects of defamation regulations	13	B5 Freedom of journalists in the news production process	26
A3 Legal protection of political pluralism in media	15	B6 Economic position of female journalists	27
A4 Freedom of work and association for journalists – legal guarantees and practice	17	Are female journalists subject to specific sex-based pressure?	28
A5 Legal protection of journalists' sources	19	C Journalists' Safety	29
A6 Protection of access to information of public importance	20	C1 Statistics of safety and impunity	29
B Position of journalists in newsrooms	23	C2 State institutions and political actors' behaviour concerning journalists' protection	32
B1 Economic restrictions of journalists in newsrooms	23	C3 Efficiency of the justice system regarding threats and violence against journalists	36
B2 Editorial independence in private media	24	Conclusions and Recommendations	38
B3 Editorial independence in public broadcasters	25	Recommendations	40

Overview and Scope of the Project

The journalists' associations from the Western Balkan countries, with the support of the European Commission¹, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice as well as to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform have been monitoring the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo² and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis³, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

-
- 1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://safejournalists.net), aimed at empowering national journalists' associations in the Western Balkan countries to become effective and accountable independent actors in advocating applications of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The project is funded, under the Civil Society Facility and Media Programme 2020—2022, Support to regional thematic networks of Civil Society Organizations.*
 - 2 This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and fine-tuned over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snezana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia (www.resis.mk).*

A Methodological Note

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods was applied to collect and analyse data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- Collection and analysis of information published on the websites of public institutions and other organizations and bodies;
- Collection and analysis of press releases, announcements and other information produced by professional organisations;
- Secondary data gathered by journalists' associations;
- In-depth-interviews with experts, journalists and policy makers, etc.;
- Focus groups with journalists, and
- Journalists' surveys (in some countries).

At the national level, advocacy research is conducted by national researchers who collect data and write narrative reports, which were then reviewed by local media experts and the lead researcher. In Serbia, the Independent Journalists' Association of Serbia has engaged Rade Djuric as a national researcher and professor Aleksandra Krstic, PhD as a media expert to review the report.

Table 1: Indicators on levels of media freedom and journalists' safety

A Legal protection	B Position of journalists in newsrooms	C Journalists' safety
A1 Legal guarantees for the freedom of media and journalists and their implementation in practice	B1 Journalist's freedom economic restrictions	C1 Statistics of safety and impunity
A2 Effects of Law on defamation on journalists	B2 Editorial independence in private media	C2 State institutions and political actors' behaviour concerning journalists' protection
A3 Legal protection of political pluralism in media	B3 Editorial independence in public broadcasters	C3 Civil and criminal justice system actions related to threats and acts of violence against journalists
A4 Freedom of work and association for journalists – legal guarantees and practice	B4 Editorial independence of non-profit organizations	
A5 Legal protection of journalists' sources	B5 Freedom of journalists	
A6 Protection of right of access to information	B6 Economic position of female journalists	

List of Abbreviations

LPIM – Law on Public Information and Media

RTS – Radio Television of Serbia

RTV – Radio Television of Vojvodina

LA – Law on Advertising

CCS – Chamber of Commerce of Serbia

SIA – Security Information Agency

PB – Public Broadcaster

REM – Regulatory Body for Electronic Media

LCT– Law on Contracts and Torts

LIA – Law on Internal Affairs

MI – Ministry of Interior

LFAI – Law on Free Access to Information

According to the latest European Commission Report for 2022, it is estimated that Serbia has some level of preparation concerning freedom of expression, but that no progress was made in the reporting period on the recommendations from last year. The report mentioned that cases of threats and violence against journalists remain a concern and the verbal attacks and smear campaigns against journalists continued. It is underlined that statements by high-ranking state officials on the daily and investigative work of journalists are preventing the creation of an environment where freedom of expression can be exercised without hindrance. Then, the activities of two working groups are emphasised as well as the swift reaction by the police and the prosecution in specific cases through the coordination of those working groups. However, by the information from the prosecutors' offices, the report mentioned huge backlog, and few solved cases with penalties for the perpetrators. Based on the report, it should be the priority for Serbia in the following period to strengthen the protection and safety of journalists, in particular by ensuring that high-level officials refrain from labelling or making verbal attacks on journalists and that threats and cases of physical and verbal violence are publicly condemned, investigated or prosecuted.⁴

Some of the reports by international organisations indicate certain progress. Reporters Without Borders Index showed progress, so instead of 93rd Serbia moved to 79th posi-

⁴ EU Commission Report for Serbia 2022, Brussels, 2022, accessed: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec-report-2022.pdf

tion, with the application of a new methodology of countries ranking.⁵ However, despite the efforts to improve safety and fight against impunity (two working groups and introduction of SOS line), journalists in Serbia still do not feel protected.⁶ According to the Freedom House report, Serbia is still in the group of “partly free” countries, with the Index 2 related to the freedom of expression and media freedom and independence. The report mentions that independent investigative groups have been increasingly subjected to harassment, intimidation, and violence by authorities and pro-government groups and, in general, journalists are facing physical attacks and smear campaigns. The Western Balkans Journalists Safety Index, developed by the regional Safejournalists network, also indicates that situation is far from good. In 2021, Serbia has dropped in the ranking compared to 2020, with index 2.91 (scale 1 to 7).⁷ As for the public sector corruption perception index by Transparency International, Serbia dropped five ranks in the list. In this international organisation report for 2022, Serbia has been ranked 101st among 180 countries and this is the lowest score in the last 11 years.⁸

At the time when fighting corruption has been proclaimed as one of the most important priorities by the authorities in Belgrade, the state is stagnating in this area so fight against corruption is not even a declarative priority.⁹ The economic and financial crisis additionally aggravated by the war in Ukraine that started in 2022, Serbia’s unclear politics, higher salaries and pensions that do not actually reflect the citizens problems, and along the fact that Serbia is the fourth poorest country in Europe¹⁰, can be illustrative of the parallel situation in journalism. The indicators of the real situation are, among others, the relationship towards journalists, the lack of political will of government representatives to condemn brutal attacks and threats against journalists and whether the state is true in its intent to fight for better status of journalists. The journalists’ life is getting harder, and instead of reporting threats, they have to opt for economic survival and staying in the media, which demonstrates the real picture and their situation. Reporting threats they have received is not always good advertising for specific media that are co-financed or otherwise receive funds, because if the person exerting pressure and threats is from government, if they alarm the public and report it, there is danger that they will not receive funds.¹¹

5 Reporters without Borders methodology for 2022 foresees less indicators that in the scope measured include those separately evaluated until now. Now, the value is assigned to political context, legal framework, economic and socio-cultural context and safety. In the previous period (2013–2021), the value was assigned to pluralism, media independence, media environment and self-censorship, transparency, legal framework, infrastructure and abuse. Accessed: <https://rsf.org/en/index-metodologije-2013-21?year=2021&data-type=general>

6 Reporters without Borders Report for Serbia 2022, accessed: <https://rsf.org/en/country/serbia>

7 Safejournalists network, “Western Balkans Journalists’ Safety Index, Report for Serbia 2021” Belgrade, 2022

8 CPI Corruption Perception Index for 2022, Transparency Serbia, accessed on 29 January 2023, <https://transparentnost.org.rs/index.php/sr/istraivanja-o-korupciji/indeks-percepcije-korupcije-cpi>

9 BBC, Balkans and corruption: Serbia getting worse in Transparency index, this year ranked the same as Albania, Montenegro is the best in region, accessed on 29 January 2023, <https://www.bbc.com/serbian/lat-balkan-64471122>

10 Eurostat Report 2022, GDP per capita, consumption per capita and price level indices, accessed on 2 February 2023, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=GDP_per_capita_consumption_per_capita_and_price_level_indices

11 Outlined by men and women journalists within focus groups realised for the purpose of research in December 2022 and January 2023.

A1 Legal guarantees for the freedom of media and journalists and their implementation in practice

Are there guarantees for the right to freedom of expression and information? Does it include the access to the internet? Are legal guarantees applied in practice?

Freedom of media and freedom of expression is guaranteed by the Constitution of the Republic of Serbia and its media laws.¹² Legal frameworks governing the protection of fundamental rights, freedom of expression and freedom of the media have been established, but the application of such regulations after a long time demonstrated the need for amending those laws to ensure effective exercise of those rights. There has been no progress as regards media freedom.¹³ The Public Information Strategy is in force until 2025 and it is clearly indicating the direction of desired change, also recognised by government representatives, yet, there are significant delays in implementation of the Media Strategy that affects the most important measures such as amending

¹² Constitution of the Republic of Serbia (Official Gazette of RS, No. 98/2006), Law on Public Information and Media (Official Gazette of RS, No. 83/2014, 58/2015 and 12/2016 – authentic interpretation), Law on Public Service Broadcasting (Official Gazette of RS, No. 83/2014, 103/2015, 108/2016 and 161/2020), Law on Electronic Media (Official Gazette of RS, No. 83/2014 and 6/2016).

¹³ European Commission, Progress Report for 2022, Brussels: 2022, accessed in December 2021, <https://www.mei.gov.rs/enq/documents/eu-documents/annual-progress-reports-of-the-european-commission-for-serbia>

the Law on Public Information and Media and the Law on Electronic Media. The regulations guarantee and in practice do not deny access to internet enabled to all citizens, including journalists. The attempts of creating monopoly by using state resources and directing citizens to use internet and TV with specific providers, such as Telekom Serbia, are particularly worrying.¹⁴ Freedom of expression is enabled in practice, however, there are numerous delays and problems in specific areas, such as relationship of Regulatory Authority for Electronic Media (REM) towards the violators, or the absence of any control of misuse in spending budget funds through media competitions – these are all obvious examples of inconsistent application of regulations. In 2022, the monitoring of the application of the Action Plan for the implementation of the Strategy for the Development of the Public Information System (hereinafter referred to as: the Media Strategy) adopted in 2020 continued, and the Strategy provides for the amendments to the regulations.¹⁵

Have media laws been developed in a transparent and inclusive process through consultation with the relevant professional associations?

Media laws in Serbia were adopted through a partially transparent process in 2014 and with the participation of all interested and responsible parties, however the lack of political will, adequate control and clear accountability of actors in the process, in particular REM Council and the ones responsible for budget funds, limited the effect of the laws in practice. The roadmap for amending these laws has been offered in the Media Strategy Action Plan. By the end of 2022, the amendments of the Law on Public Information and Media (hereinafter referred to as LPIM) continued, and the representatives of journalists' and media associations, public authorities and institutions are included in it again. Previous alternative solutions became the subject of further discussions in preparing the draft version of the law. Although inclusive as it included representatives of media associations and organisations, this process revealed attempts of doing the opposite from what Media Strategy envisaged as regards very important matters. At the end of 2022, Draft Law on Electronic Communication was drawn up. At the beginning of 2023, Working group for drafting Law on Electronic Media has been established. The Action Plan for application of Media Strategy that provided for the amendment of three crucial media laws and their adoption has expired in 2022.

14 Thomas Roser, *Simulated Progress: One step forward, two steps back: Serbia treads water in its listless commitment to press freedom*, 2022, Friedrich Naumann Foundation, page 4, <https://www.freiheit.org/western-balkans/media-strategy-follow-2020-2025>
15 *Ibid.*

Were there any attempts by the state authorities to impose licencing or any other strict demands for establishing printed media and online media? Do these demands go beyond the mere registration of companies and taxes?

In Serbia, there have been no attempts at licencing by state authorities concerning printed and online media. In the process of establishment, the media must respect the rules set out in the Law on Public Information and Media, according to which legal or natural persons who establish them must register as publishers and disclose basic information about the media outlet. There is no obligation for the media to be registered in the Media Register maintained by the Business Registers Agency, however, that could mean potential elimination of projects from competitive financing or receiving some form of state aid. There are no special rules for online media.

Have state authorities in any way tried to limit the right of access to the internet or block or filter the internet content?

The environment of the internet freedom in Serbia remains relatively open, with a high level of internet access, with limited blocking of websites that can be accessed from the territory of the Republic of Serbia. However, despite diverse media surroundings, pro-government news websites, some of which are owned by people connected to ruling party, spread disinformation.¹⁶ Among 70 states, or 89% of the internet users in the world, Serbia is categorised as a free country in the Freedom House report "Freedom on the Net 2022", with score of 71, ranked as 17th, fourth after the United States.¹⁷ Serbia has a high level of penetration, low level of blocking and relatively low penalties for online activities that are penalised.¹⁸ In 2022, there were no cases of blocking or limiting online content by the state, but there were several requests by other entities, usually complaints for alleged disclosing of forbidden information, requests for removing videos from YouTube and social media and blocking of journalists' accounts in social media.¹⁹ The gravest example is the suspension of Milojko Pantic's, the sports journalist, YouTube channel.

16 "Freedom on the Net 2022" Research, Freedom House. <https://freedomhouse.org/sr/country/serbia/freedom-net/2022>

17 VOA, "Freedom House analyst: Serbia is free in the Internet sphere, but faces numerous challenges", 20.10.2022, accessed: <https://www.glasamerike.net/a/intervju-izvestaj-fri-dom-haus-sloboda-internet/6796654.html>

18 "Freedom on the Net 2022" Research, Freedom House. <https://freedomhouse.org/sr/country/serbia/freedom-net/2022>

19 Share database for the year 2022 and cases which was collected by NUNS as part of journalists' applications

In addition to sports content, the channel featured political content with Pantic's criticism of the current regime. The last video immediately before the channel was shut down concerned the elections.²⁰

Is regulatory authority performing its functions in the independent and non-discriminatory way? Have licence issuing and other regulations for broadcasting been implemented in a fair and neutral way?

Regulatory Authority for Electronic Media (REM) is not executing its functions in a way that could be described as independent. The regulator continuously places certain entities in a more favourable position than others, acting selectively and in a discriminatory manner.²¹ According to the opinion of Slobodan Cvejić, a former member of the REM Council, "relevant actors have demonstrated and many times proven so far that REM is failing to implement a significant part of its competences, acting without accountability. These types of actions are damaging to democracy, solidarity and institutional trust, thereby slowing down Serbia's social development."²² In 2021, REM recorded 107 filed complaints, but the research recognised hundreds of potential broadcasters' violations. According to the latest available REM report for 2021, the Regulator pronounced only two warning measures and one temporary ban of publishing media content. In 2022, according to information from their website, REM issued two warnings. In relation to the number of filed complaints and detected violations, particularly in reality programmes, this is a small number of measures especially bearing in mind almost daily incidents in reality shows and hate speech constantly seen on televisions with national coverage. REM did not publish the 2022 report, and one year before, REM issued 25 licences for providing media services.²³ In 2022, REM Council awarded TV licences to televisions with national coverage – Prva, Pink, Happy and B92, that already had them. As organisations CRTA and Slavko Curuvija Foundation reported,²⁴ REM violated the provisions of the Rulebook governing the procedure and criteria for issuing broadcasting licences, because it failed to deliver adequate assessment of the application with-

in the meaning of observance of the programme paper that was the foundation for the issuance of the previous licence. Also, in the assessment procedure it was not reviewed if until the moment of the decision the applicant for licence was imposed with any of the measures provided for by the Law on Electronic Media. The reports show that for years the REM experts department has been taking note that these televisions do not abide by the programme paper that their licence was based on, and do not have the mandatory programme content, thus failing to meet the minimum of prescribed conditions for media service provision. These broadcasters were imposed with series of measures due to violation of legal provisions. This decision was the cause of lawsuits brought against REM.²⁵ However, these lawsuits were dismissed by the Administrative court for the reason of the lack of grounds that the plaintiffs CRTA and Slavko Curuvija Foundation were defending public interest, since none of REM's decisions concerned their rights or obligations, nor such decisions influenced directly or indirectly their legal interest protected under the law.²⁶ In December last year, REM Council stopped its work. In its explanation REM, mentioned "for years, we have been exposed to pressure of the part of the opposition parties, independent media and part of the civil sector organisations", accusing them of "directly jeopardising their work independence."²⁷ Decision on REM work suspension came after TV N1 and Nova S, owned by United Media, interrupted their broadcasting for 24 hours in Serbia.²⁸ Televisions N1 and Nova S suspended the broadcasting of programs as a sign of protest that the Council of the Regulatory Body for Electronic Media (REM) did not make a decision on the allocation of the fifth national frequency within the prescribed period. The deadline for making that decision expired on December 2, as the tender stipulates that REM will grant the permit 30 days after the publication of the approved list of candidates. Television Nova S sued REM because it had not yet assigned the fifth frequency, and that decision had not been made as of the date of writing this report.²⁹ Fourteen days after that, REM made

20 SHARE monitoring, *Monitoring violation of rights in Southeast Europe*, SHARE, accessed: <https://monitoring.labs.rs/data>

21 Outlined by journalists and media professionals interviewed for the purpose of the survey in December 2022 and January 2023.

22 European Western Balkans, "REM as a key to freedom media and inter-pery dialogue", Accessed: <https://eupregovori.bos.rs/pragovori-o-pregovorima/analize/1463/2021/05/25/rem-kao-kljuc-slobode-medija-i-medustranackog-dijaloga.html>

23 Data refer to 2021 since REM has not published the report for 2022 at the time this report was being written

24 CRTA "Slavko Curuvija Foundation and CRTA sued REM", accessed on 10 December 2022: <https://cрта.rs/slavko-curuvija-fondacija-i-cрта-tuzili-rem/>

25 Vreme, *Distribution of frequency, lawsuit against REM*, Accessed: <https://www.vreme.com/vesti/rem-odlucio-neka-bude-sve-po-starom/>

26 CRTA, "Slavko Curuvija foundation and CRTA after the rejection of the lawsuit against REM: We will use all available means to protect the interest of the public" accessed on 10 December 2022, Accessed: <https://cрта.rs/slavko-curuvija-fondacija-i-cрта-posle-odbacivanja-tuzbe-protiv-rem-a-iskoristicemo-sva-dostupna-sredstva-da-zastitimo-interes-javnosti/>

27 REM, "REM council made a decision on the suspension of work", accessed on 20 February 2023: <http://www.rem.rs/sr/arhiva/vesti/2022/12/savet-rem-doneo-odluku-o-obustavi-rada>

28 Mila Djurdjevic, Radio Free Europe, REM hiding behind strike, accessed: <https://www.slobodnaevropa.org/a/srbija-rem-obustava-rada/32169751.html>

29 Nova S Television sued REM because it has not yet assigned the fifth frequency, 22.12.2022, accessed: <https://www.slobodnaevropa.org/a/nova-s-rem-tuzba/32186174.html>

a decision to continue its work.³⁰ The decision about a strike was questionable in relation to the status of designated persons in REM Council and if they had a right to stop working without maintaining the minimum of the work process, including the legal procedure of going on a strike.³¹

Are the legal provisions on state advertising in the media being abused due to political influence on their editorial policy? Is the distribution of state funds transparent, fair and non-discriminatory? Do state institutions regularly publish data on the amounts allocated to various media?

The provisions of the Law on Advertising and media regulations regulate state advertising in the media rather superficially, vaguely and partially, which is why this issue is still unknown in legal terms. The problem of state advertising lies in the ways in which funds are distributed, according to which criteria and to which media (publishers), and above all whether this distribution affects the editorial independence of the media. Advertising of public companies and limited liability companies is completely under the control of the state. According to the joint study published in 2021 together by BIRN and IJAS on the practice of awarding contracts for advertising in municipalities, the funds are often allocated “directly” without public bids. In 2020, for example, local government enterprises in 20 biggest cities in the country awarded in total 191 advertising contracts in total value of RSD 55 million (EUR 470.000) and the lion’s share (EUR 342.000) went to TV stations. Due to many covert contracts when the funds are regularly allocated only to specific media outlets without clear basis, the distribution of state funds is not transparent.³² Irrelevant of the manner of allocating funds, whether co-financing through competitions, public procurement or direct contracts, the distribution is selective, unfair and partially transparent.³³ Institutions only publish data they are legally obliged to, such as decisions on announced competitions, contracts on competitive media co-financing or controversial media services in public procurement that in majority of cases lack the basis for implementation. For everything abovementioned, Media Strategy

provides for amendments to the Law on Advertising so as to define state advertising in detail, and there is an option of drawing up a special law on regulating public entities promotional activities in the media sector.³⁴

While local TV stations often undertake to broadcast directly city council sessions through contracts with municipalities, contracts with ambiguous phrases such as “marketing services” or “providing public information” often remain “non-transparent” and ambiguous in relation to services that the media were initially hired for by the local government enterprises, mentioned BIRN. Even in the public call for proposals, the contracts are often awarded to the media “close to the government”, complains Nemanja Nenadic, Transparency Serbia director. BIRN describes the practice of awarding contracts on advertising as “direct contracts depending on the media”³⁵

Are there specific types of media subventions or funds for the production of media content for public interest, and how are those applied in practice?

The legal framework provides for project co-financing through public competitions aimed at realisation of the public interest.³⁶ Ministry of Culture and Information carries out competitions at the national level, it is the Provincial Secretariat for Culture, Public Information and Religious Communities Relations for the province, while at the local level it has been carried out by local self-governments. Other forms of contributions are subventions through direct contracts with the media and other entities to realise so-called media services that mostly boil down to monitoring the work of local institutions and public enterprises. Competitive co-financing is characterized by abusive appointment of the commissions’ members, unreasoned decisions and awarding projects to the media that fail to realise them in reality or do it yet unprofessionally, along with almost unusable, cumbersome and long complaint procedure before the competent Administrative court that the dissatisfied barely ever use. Most of the funds are still distributed to the media that are almost regular violators of the Code or represent the support of the authorities. Those continue to be large tabloids or on purpose-built productions that, after using gaps in regulations and the lack of adequate supervision, get the funds allocated to the media, which are the backbone of authorities. Most money from the

30 REM, “REM made a decision to continue the work process”, 22.12.2022, accessed: <http://www.rem.rs/sr/arhiva/vesti/2022/12/rem-je-doneo-odluku-o-nastavku-procesa-rada>

31 Dragoslav Ljubcic, Even if you mocked the institution of strike: Thank you REM! Vreme, accessed <https://www.vreme.com/vesti/izugivanju-institucije-strajka-uprkos-hvala-rem-u/>

32 BIRN and IJAS, “Businesses one-on-one with the state”, Belgrade: 25 October 2021, accessed on 01 December 2021, <https://bit.ly/3vzr9YS>

33 IJAS, “Project Co-financing in the Public Interest: Local Public Interest, Productions, Abuse of Procedures and Inefficiency of Administrative Disputes”, IJAS, December 2021

34 Action Plan for realisation of Media Development Strategy, Activity 2.3.2, deadline for realisation of activity IV quarter of 2021.

35 State investments in the media – getting suitable media through direct contracting, Nemanja Nenadic from Transparency Serbia, BIRN, accessed: <https://birn.rs/drzavno-ulaganje-u-medije-direktnim-ugovaranjem-dopodobnih-medija/>

36 Law on Public Information and Media, Article 13

competitions for co-financing media content in the period 2019–2021 was given to the media who openly support the government in their reporting. Large number of local media survive exclusively based on this money. There is no subsequent control – what citizens got for it and if it was spent to the right purpose. There are examples of violating State Aid Law as regards small value aid (*de minimis*). Data from financial statements of many media outlets and productions do not correspond to the amount of money allocated at competitions, and huge number of entrepreneurs were also getting money and not submitting these statements. Contrary to the rules, money is being allocated to the media that continually violate Journalists' Code.³⁷ Funds are also allocated to the media through public procurement of media services, direct contracts and agreements on business and technical cooperation with the media. However, efforts are being made to amend Law on Public Information so as to recognise Press Council as the relevant factor when distributing public funds.

What are the mechanisms for financing the media in the languages of national minorities?

In Serbia, there are still no clear mechanisms for financing the media in the languages of national minorities. The Media Strategy recognized the issue of representation of programs in the languages of national minorities and paid special attention to the position of the National Minorities Councils due to concerns about their impact on pluralism and editorial independence of the media they founded. When allocating funds to minority media, so-called “opinions” by the Council are taken into special consideration though these are not mandatory. The potential solution could be amending the Law on Public Information and Media that would ensure editorial independence in the media founded by the National Minority Councils.

Are there guarantees and efficient protection of the autonomy and independence of public broadcasters? Is the independence and stability of broadcaster ensured by the financing framework? Does supervising authority represent society at all?

Legal regulations provide for institutional autonomy and editorial independence of public broadcasters (PBs), as well as the manner of their financing. However, the practice confirms that autonomy and independence have not been achieved, and the combined method of financing does not ensure their sustainable function-

ing (PBs are basically financed from the funds collected from fees.) Unlike RTS, PB Radio Television of Vojvodina (RTV) cannot secure its funds independently, therefore almost a third of their revenue in 2022 came from direct financing from RTV budget. Absolute independence of public broadcasters from the state budget is still not realised. In the budget of Serbia for 2023, RSD 900 million has been allocated to RTV for regular financing of basic activities of public broadcasters.³⁸ Program Council is the supervising authority for public broadcasters with an advisory role. Pursuant to the Law on Public Broadcasters,³⁹ its members are elected among the experts in media and media workers, scientists, creative workers in culture and other areas. The Council members in practice do not represent the interests of society as a whole and do not influence program policy as expected.⁴⁰

A2 Effects of defamation regulations

Are the provisions of the defamation regulations strict and do they protect civil servants? What are the main disadvantages of these laws?

The defamation was decriminalised in Serbia and the regulations do not provide for provisions that specifically protect the reputation and honour of civil servants and other appointed and delegated persons. However, the practice still recognizes judgments in which judges in their explanations point to the need for greater protection of certain leaders in relation to citizens. Apart from lawsuits against public interest watchdogs and journalists in civil proceedings, we have lawsuits against journalists under criminal offences such as blackmail or insult. There is still a problem of determining status of journalists or establishing existence of certain media in the court proceedings, and the courts of appeals establish that LPIM applies only to those persons registered in the Media Register. Practice has shown that the Law

³⁷ BIRN, *Financing media and political impact*, 2022. Accessed: <https://birnsrbija.rs/finansiranje-medija-vlasnici-i-politicki-uticaji/>

³⁸ RTS, *Serbian Assembly extended the public broadcasters funding regime until the end of 2023*, accessed: <https://www.rts.rs/page/stories/sr/story/125/drustvo/5070023/dkupstina-javni-servis-finansiranje.html>

³⁹ *Law on Public Service Broadcasting, Articles 29 and 30. The Program Council takes care of satisfying the interests of listeners and viewers in terms of program content, considers the realisation of program concept and quality of the program content of a public broadcaster and in this regard gives recommendations and proposals to the General Director and the Management Board.*

⁴⁰ *Outlined by journalists and media professionals interviewed for the purpose of the survey in December 2022 and January 2023.*

on Public Information and Media is the most effective in protecting rights, but also that sanctions are not severe. On the other hand, journalists have been the subject of over 37 lawsuits for various forms of damage to reputation and honour, i.e. defamation, which are considered SLAPP lawsuits.⁴¹ Some judges' treatment of politicians and powerful persons as persons prone to insults and violations of honour and reputation remains the biggest problem in the proceedings, as they do not question the truthfulness of allegations from the articles that journalists are sued for. Courts still accept lawsuits from dissatisfied politicians and powerful persons as admissible although they were filed simply because some media reported news from a trial or a press conference.⁴²

How many lawsuits did state officials and politicians file against journalists in the last year?

In 2022, a total of 533 cases were filed with the Higher Court in Belgrade against journalists, editors and media owners, but there is still no precise record of exactly how many lawsuits against journalists were filed by state officials and politicians. During the same period, a total of 291 lawsuits were resolved that had been filed against journalists in previous years. Another 63 cases are currently in the resolution process.⁴³

To what extent were some court decisions against some journalists politically motivated? What were the sanctions imposed?

There is no clear evidence for lawsuits filed against some journalists to have been exclusively politically motivated and for this to be the sole reason for filing them. Journalists believe lawsuits to be a classic form of pressure to their work, a warning and a form of serious exhaustion that aims to affect them directly to withdraw from certain topics and self-censors themselves, which represents a sole reason for filing such lawsuits. The amounts requested in lawsuits have increased compared to previous years so in some (cross-border lawsuits) the compensation claims amount to several

thousand euro.⁴⁴ Generally speaking, the compensation claims range from 850 to 100 thousand euro (lawsuit against KRIK with proceedings still ongoing), and the awarded amounts range from 80 to 4,600 euro. In most court proceedings resolved finally, amounts ranging from 850 to 1,500 euros are awarded.⁴⁵

This year Serbia might be the SLAPP country of the year. In their statement, Reporters without Borders mention that, "businessmen with problematic connections to politicians and politics deliberately use lawsuits to silence the journalists, and Serbian judiciary and society do not see a problem with that". This organisation is therefore "inviting Serbia, being the most fertile ground in Europe for this type of claims, to adopt the European Commission recommendations of April 2022. These include preventive measures against SLAPP lawsuits and penal provisions against those who launch these lawsuits."⁴⁶

Do courts recognise the established mechanism of self-regulation (if any)? Do they accept the validity of published answers, corrections or apologies?

In the cases before them, courts in Serbia are not obliged to take into consideration the decisions of the Press Council, as the sole self-regulation body. However, certain judges of the Higher Court consider and evaluate the decisions of the Council, which in some cases are one of the key pieces of evidence in the proceedings. Press Council did not receive direct requests from the courts in proceedings, but defence attorneys often use as evidence in the proceedings the Council decisions that some judges even apply. During the preparation of the Draft Law on Public Information and Media, the Press Council is being recognised as self-regulatory body.

As an interesting example, we mention judgment from 2022 in the favour of the plaintiff (citizen as injured party), whose name, surname and photo were published in newspapers, when this person was described as a leader of a dangerous criminal gang suspected of committing numerous criminal offences, his photo included. Names and surnames were identical, and in the absence of the photo of the face of person it was

41 SLAPP – Strategic Lawsuit Against Public Participation, are strategic lawsuits before the competent criminal and civil courts against public participation aimed at stifling freedom of speech and limiting public criticism directed at influential individuals, institutions or companies.

42 NI portal, "IJAS lawyer: Millennium team lawsuits against local portals Info Vranjske and Jug Press-abuse of rights", 10.12.2021. Accessed: <https://n1info.rs/vesti/pravnica-nuns-tuzba-milenijum-tima-protiv-medija-zloupotreba-prava/>

43 Data collected during the research from the competent courts in the Republic of Serbia

44 Milica Vojinovic, "Lawsuits against KRIK a symbol of growing pressure on independent journalism", KRIK, 23 February 2022, accessed on 20 December 2022 <https://bit.ly/3iZqiz1>

45 Article 19, ABA Human Rights Centre and IJAS, SLAPP – situation in Serbia, December 2021. Accessed on 12 January 2023 <https://bit.ly/3OD5wGw>

46 Ivica Petrovic, "Serbia – fertile ground for SLAPPs against journalists", 28.10.2022, DW, accessed on 27.10.2022, <https://www.dw.com/sr/srbija-plodno-tlo-za-slapp-tu%C5%BEbe-protiv-novinara/a-63582105>

reporting on, this media outlet posted the photo of the injured party, most likely obtained illegally from MI archives since this was an ID photo. Thus, this citizen suffered damages with enormous consequences, with serious endangerment of safety due to publishing of incorrect data mistaking him for a very dangerous person. In the judgment in the favour of the plaintiff, the court referred to the Press Council decisions.⁴⁷

What do journalists think of the law on defamation? Have they been discouraged to research and write critically?

Journalists are not that familiar with the regulations that replace the decriminalised defamation. Except for the violations of honour and reputation, journalists only learn about other mechanisms on the trial. Lawsuits create great pressure, along with the judgments against journalists who report from trials, thus increasing elements of self-censorship. Despite being aware that increased pressure of lawsuits could cause them to quit, journalists still write about irregularities. In most cases, journalists are not discouraged from continuing to write, but are aware of the pressure before them, especially of a financial nature. They are mostly influenced by the very lawsuits, amount of fees, frequent visits to courts for hearings and trials, imposed fines, attorneys' fees financially exhausting them, in particular journalists from local environments. Their media outlets could be closed down with only one negative judgment with costs of up to EUR 10,000.⁴⁸

A3 Legal protection of political pluralism in media

Is political pluralism in media regulated by media laws unrelated to election processes? What are the obligations of public broadcasters and private broadcasters related to political pluralism outside of election processes?

Political pluralism is envisaged and regulated by the Law on Public Service Broadcasting. Public broadcasters are legally bound to respect and encourage the pluralism of political, religious and other ideas, as well as to inform the public about these ideas, not serving the interests of individual political parties and religious com-

munities, or any other individual political, economic, religious and similar interests.⁴⁹ The Law on Electronic Media (LEM) stipulates general obligation that private broadcasters must provide free, truthful, objective, complete and timely information, and that in the period outside the election campaign they must respect the ban on political advertising.⁵⁰ Private broadcasters do not have a clearly defined obligation to respect political pluralism in the media. In 2020, REM adopted Rulebook on the manner of performing the obligations of public broadcasters during election campaign, while for commercial broadcasters only recommendations were adopted. Besides journalists associations, the Ministry of Culture and Information also considered this proposal by REM not to be in line with law, so before the Rulebook was adopted, they submitted their comments and expressed negative opinion on it, however, the Rulebook was adopted. In 2022, this very Ministry, under the request of another organisation, delivered a completely different opinion on the same rulebook saying that they have no objections from the point of view of constitutionality and legality.

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes?

Regulatory Authority for Electronic Media is in general obliged to supervise the work of broadcasters,⁵¹ control the work of media service providers and ensure the respect of laws and other bylaws.⁵² Although regulator is not directly obliged under LEM to protect political pluralism in the period outside of the election campaign, political pluralism is guaranteed and regulator must follow this segment as well. After 5 years of not enforcing it, regulator commenced applying this rule in the last two elections. Resulting from the inter-parliamentary dialogue, amendments of LEM and Law on Public Media Services followed. Amendments to the Law on Public Media Services stipulate that such services must act in line with principles of unbiased, fair and balanced representation of political entities, electoral lists and election candidates in their regular news programme and special shows dedicated to election campaign. Public media services are in particular advised to organise TV and radio debates or duels between candidates, i.e. submitters of electoral lists, for the purpose of informing

⁴⁷ Interview with the Press Council Secretary

⁴⁸ Ivica Petrovic, "Serbia – fertile ground for SLAPPs against journalists", 28.10.2022, DW, accessed on 28.10.2022: <https://www.dw.com/sr/srbija-plodno-tlo-za-slapp-tu%C5%BEbe-protiv-novinara/a-63582105>

⁴⁹ Law on Public Service Broadcasting, Article 7

⁵⁰ Law on Electronic Media, Article 47

⁵¹ National Broadcasting Agency Statute, Article 5, paragraph 1, point 6

⁵² Law on Electronic Media, Article 22, paragraph 1, point 8

the public and debating on hot political issues through those discussions.⁵³

Do political parties and candidates have fair and equal access to the media outside the election process?

Political parties and candidates do not have fair and equal access to the media in the period outside the election campaign. Obvious domination of the ruling party representatives as well as the presence of Serbian President and his personality characterise the central news reporting on televisions with national coverage. CRTA media monitoring findings additionally indicate that unequal position between government representatives and the opposition in the media with national coverage after the April 2022 elections became even more pronounced than before the election campaign as television reporting was blatantly biased.⁵⁴ Reporting on government representatives was either neutral or positive, almost never negative. However, in central news on RTS 1, TV Pink, TV Prva, TV Happy and TV B92, the representatives of the opposition were mentioned either as neutral or negative, rarely positive. The government actors in average have double the time to address the public directly than the representatives of the opposition who are mostly discussed by others (i.e. news presenters, authors of the broadcast, guests in studio, and others). This creates a polarised image within public by separating representatives of different parties into two corners, positive or negative, and narrowing space for constructive criticism of all the actors in political scene.⁵⁵ According to BIRODI survey, if only TV Pink viewers would vote in the elections, government parties would win 84.7% of votes, right-wing opposition would have 9.1% votes in sum, while the entire civic opposition would not be able to cross the 3% threshold. Similar findings concern TV Happy, with somewhat improved result by right-wing opposition. Nationalists' opposition has the most adherents among the viewers of the televisions with national coverage. The other corner hosts televisions N1 and Nova S, where the parties of the civic opposition would get the most votes, followed by nationalists' opposition and then the government parties.

It should be emphasised that the undecided among the opposition voters mostly get their news from cable TVs N1 and Nova S, although they are also present on RTS and Prva.⁵⁶

What are the legal obligations of media during the election campaigns? Which body supervises electronic and printed media?

Private and public broadcasters are obliged to secure representation without discrimination to registered political parties, coalitions and candidates.⁵⁷ Public broadcasters must equally represent political parties, coalitions and candidates for national, provincial or local elections during the election campaign.⁵⁸ The Law on Election of Members of Parliament also envisages independent and objective representation of candidates.⁵⁹ For printed and online media, only the Journalists' Code of Ethics is mandatory, which is guarded by the self-regulatory body of the Press Council. The Regulatory Authority for Electronic Media has made a recommendation to commercial broadcasters on how to behave during the election campaign, but this document is not mandatory. The National Assembly envisages the supervision over electronic and printed media with the aim of resolving the problem of unequal treatment in media reporting through its Supervisory Committee. REM supervises the work of the broadcasters along with Government-established Interim Supervisory Authority for Media Monitoring in Election Campaign. Its members are appointed on the proposal of the Regulatory Authority for Electronic Media and on the proposal of the National Assembly Speaker. Ensuing from the inter-party dialogue under the auspices of the EU, Interim Authority is an *ad hoc* temporary mechanism, in the absence of a better quality solution. In the joint opinion by the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), it says that Serbia should ensure efficient media monitoring, supervise funding and prevent abuse of state resources during election campaign.⁶⁰

53 Fonet, *Media laws amended at the dawn of elections*, accessed on 18 December 2022, <https://www.danas.rs/vesti/drustvo/medijski-zakoni-izmenjeni-uoci-izbora-propisuje-se-uravnatezeno-predstavljajanje-izbornih-takmaca/>

54 On 18 April 2022, CRTA continued with monitoring national frequency televisions by keeping track of the news on national coverage televisions. CRTA's observers, trained under the highest international standards for media observation, monitored central news on RTS 1, TV Pink, TV Prva, TV Happy and TV B92.

55 CRTA, *Media monitoring – from media pluralism to glorification of President personality*, 2022, accessed: <https://crt.rs/monitoring-medija-od-medijiskog-pluralizma-do-velicanja-licnosti-predsednika/>

56 BIRODI, *Public opinion and the media*, February 2023, accessed on 10 February 2023, https://mc.rs/pdf/objBMS0ruS5.Javno_mnjenje_u_Srbiji_i_mediji.pdf

57 Law on Electronic Media, Article 47, paragraph 1, point 5

58 Law on Public Service Broadcasting, Article 7, paragraph 1, point 8

59 Law on Election of Members of Parliament, Article 50

60 Beta Agency and Danas, Council of Europe and ODIHR: *Efficient mechanism needed for monitoring of media and election campaign financing*, Belgrade, accessed on 29 December 2023: <https://www.danas.rs/vesti/politika/savet-evrope-i-odihr-potrebni-efikasni-monitoring-medija-i-finansiranja-izborne-kampanje/>

Do political parties and candidates have fair and equal access to the media during election campaigns?

Political parties and candidates do not have fair and equal access during election campaigns. Although the media covered all the 2022 election participants during the election campaign, the President of Serbia Aleksandar Vucic and the ruling coalition were placed in the focus by the majority of public and private media companies. By the observers' comments, this prevented voters to be completely informed about the elections.⁶¹ Uncritical reporting on the President of Serbia and other representatives of government was noted. The majority of media with national coverage, both private and public, have served as an instrument of disinformation, demonstrating bias towards the government candidates.⁶² Election process in Serbia has been characterised by unequal conditions for election participants, which is a consequence of the majority of media favouring the government representatives.⁶³ The government representatives absolutely dominated the central news programs. In the biased reporting on these programmes, the President of Serbia was again the most represented. In the research it has been concluded that now a special image has been created of one "superior and irreplaceable" player that is viewed as the only one to solve all major societal issues, while any other player is seen as meaningless and inadequate in the view of the social and political events. In 2022, out of total time dedicated to present political actors, 92% referred to government representatives. Before the official campaign started, government representatives had 87% of time on TV, after elections ended, it was even 96%.⁶⁴ In REM Report from August 2022, regarding total election time, PBs informed on election activities and presented submitters of proclaimed electoral lists and candidates "without discrimination, taking into account the importance of political parties and candidates, i.e. importance of the events they take place in", and "in line with principles of unbiased, fair and balanced presentation of political subjects, i.e. electoral lists and election candidates". In programmes of all commercial media service providers (MSP), the most represented electoral list

was the list Aleksandar Vucic "Together we can do anything". In programmes of commercial MSPs, it was established that RTV PINK journalists in daily news shows presented facts of government success in investments and infrastructure projects, and their behaviour during the COVID pandemic. On TV Happy programmes, the dominant topic (54.19%) was the "criticism of opposition" and its leaders, so the negative tone of reporting was present in 37.79% of total election time. Services provided by the cable media were recorded as extremely negative reporting of government representatives, with N1 television leading with more than half (55.77%) of time presenting the government and its officials in critical and negative tone (primarily the President of the Republic), so negative tone was present in 71.08% of the election programme.⁶⁵

A4 Freedom of work and association for journalists – legal guarantees and practice

Is it necessary for journalists to have a licence to work issued by the state? Were there any attempts last year from the state to introduce licences?

Journalists in Serbia do not have to be licenced to do journalistic work. There are still attempts to define and licence journalists, on several levels, including public prosecutors and police who believe that would make it easier for them to protect journalists, and also certain journalists' associations and organisations through their proposals in the working group for amending the Law on Public Information and Media.⁶⁶

Were journalists denied the right to cover some events because they did not have accreditation?

Journalists have been hindered on several occasions or denied access to and reporting on certain events, mostly in local environments. Local journalists are forbidden to enter some events or press conferences, or they fail to receive timely notifications. This is a huge problem

⁶¹ Beta Ganecy and danas, *Press conference by the OSCE delegation, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, Parliamentary Assembly of the Council of Europe (PSSE) and the European Parliament (EP), held on 4 April 2022, a statement by the special coordinator and head of the short-time OSCE observers Kyriakos Hadjiyianni*, 2022, accessed: <https://www.danas.rs/vesti/politika/izbori22/medjunarodni-posmatraci-izbore-u-srbiji-obelezili-nejednaki-uslovi-zaucesnike/>

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ CRTA, *Research: Year without balance in the media, 2022*, accessed on 27 December 2022 <https://cirta.rs/godina-bez-ravnoteze-u-medijima/>

⁶⁵ REM, *2022 Elections, Final Report, Supervision and analysis of the media service providers' programme during the presidential, national and local elections campaign*, accessed: <http://www.rem.rs/uploads/files/izbori%202022/Zavrshni%20izborni%20izvestaj%20za%20predsednicke%2C%20republicke%20%20lokalne%20izbore%202022.%20godine.pdf>

⁶⁶ Outlined by journalists and media professionals interviewed for the purpose of the survey in December 2022 and January 2023.

in local environments directly affecting the media work, as their survival depends on local news. IJAS recorded 11 such cases in its database in 2022.⁶⁷ This was done without any particular explanation, against journalists who critically report on the work of institutions and government representatives.

*Zig Info portal from Grocka is under the constant pressure from the government representatives who selectively prevent them from local meetings and events open for other media outlets. Since their journalist Milan Jovanovic's house was set on fire, and their editor Matorcevic was attacked, Zig Info is constantly obstructed by the local authorities.*⁶⁸

Have the journalists been organised into professional associations, and if so, how? Do their organisations or individual members experience any pressure?

Journalists are organized into journalists' associations that represent pillars of journalists support, in particular as regards safety and labour law. Joint cooperation of the largest associations is being improved in majority of matters, in particular through participation in groups for journalists' safety.⁶⁹ The two most prominent associations are the Journalists' Association of Serbia and the Independent Journalists' Association of Serbia, while the Independent Society of Journalists of Vojvodina is also very active. In 2022, the associations did not experience any particular pressure, yet they were often targeted by tabloid media.⁷⁰

Do journalists have trade unions, and how are these organised? Is there pressure on union leaders and other members? Can journalists freely become members of a trade union?

Journalists are to some extent organized into trade unions, but this is not at the satisfying level. In the previous period, the pressure on journalists as regards labour law was classified as attacks and pressures recorded by the Working Group for drawing up Platform for recording attacks and pressures that failed to fully develop, primarily due to ambiguous motivation of the Ombudsman office. There is no particular pressure on members and

leaders of trade unions, because these are not yet perceived as strongholds in defence of journalism, as this role is still occupied by journalists' associations and organisations. Journalists in Serbia are free to become members of trade unions, and they have at their disposal the Autonomous trade union of workers in graphic art, publishing, information activity and cinematography of Serbia with the Confederation of Autonomous Trade Unions of Serbia, Trade Union Federation of Culture, Art and Media Workers "Nezavisnost" and the Trade Union of Journalists of Serbia.

Is there Press Council in Serbia, and how is it organised? Do representatives of the Press Council suffer pressure?

In Serbia, Press Council operates very actively,⁷¹ and it is an independent, self-regulatory body founded by JAS, IJAS, Local Press and Media Association with an aim of monitoring the compliance with Serbian Journalists' Code in printed and online media. It ensures the compliance through its procedures, it resolves the complaints by individuals and institutions on the content of printed and online media. The Council has a special Complaints Committee that acts on submitted complaints regarding articles, photos and other media content and decides on potential violations of the Code.⁷² Media Strategy recognises and ensures guarantees and legitimacy of the Council as self-regulatory body, and one of the main goals but also a bone of contention in amendments to the Law on Public Information and Media is the recognisability of the Council and mandatory nature of its decisions for members of the competitions committees when evaluating whether media outlet complied with the provisions of the Journalists' Code of Serbia. It is also that only the media outlets that recognised the competences of the Council could apply in competitions for project co-financing, which should be adopted in the Draft Law on Public Information and Media.

67 IJAS database of attacks and pressures. <http://bazenuns.rs/srpski/napadi-na-novinare>

68 Jovanović (Zig info): for Danas: In front of GO Grocka, they set up beaters, physically they don't let us in, Danas, taken from Cenzolovka, accessed 01.21.2023. <https://www.cenzolovka.rs/pritisci-inapadi/jovanovic-zig-info-za-danas-ispred-go-grockapostavlaju-batinase-fizicki-nam-ne-daju-da-udijemo/>

69 Outlined by journalists and media professionals interviewed for the purpose of the survey in December 2022 and January 2023.

70 Ibid.

71 Press Council, <https://savetzastampu.rs/>

72 Serbian Journalists' Code, <https://savetzastampu.rs/dokumenta/kodeks-novinara-srbije/>

A5 Legal protection of journalists' sources

What are legal guarantees of journalists' sources confidentiality? Under what circumstances the right to the protection of the sources could be limited?

Journalists' sources are protected under the Law on Public Information and Media and the Criminal Code.⁷³ Regulations stipulate that a journalist is not obliged to reveal the source of information but these rights are not unlimited. If the person has committed a criminal offence, which is penalised by a prison sentence of at least five years, and if information about that criminal offence cannot be obtained in any other way whatsoever, a journalist is obliged to reveal the sources as information holders. The position of journalistic sources is compromised by two, now withdrawn Draft Laws on Internal Affairs,⁷⁴ drawn up by the Working Group of MI, which would directly jeopardise acquired rights (for now, by unauthorised and unfounded collection and processing of biometric data from 15 thousand cameras that would be posted around Belgrade and Serbia, with weak liability of persons who could jeopardise such data). The MI Working group and Serbian Government were included in this as well as interested associations and organisations, so work on disputed questions was resumed.

Do authorities respect the confidentiality of journalists' sources? Were there any examples of ordering journalists to reveal their sources, and was that justifiable for the purpose of protection of public interest?

Protection of journalists' sources is mostly respected.⁷⁵ In 2022, there were no examples of direct attempts to reveal sources or pressure journalists to present information about their sources.⁷⁶ There were no orders to journalists to reveal their sources. However, there were indirect attempts by the government representatives to reach persons who disclose information by conducting internal investigations within local institutions or attempts to learn about persons who deliver information. It raises concerns that almost all journalists who partici-

pated in BIRN research on uncontrolled surveillance as a form of pressure have been under surveillance. The journalists are most worried because they have a feeling of being under surveillance often, so their feeling of being endangered with illegal surveillance is almost proportional to the lack of media freedom.⁷⁷

Were there any sanctions against journalists who refused to reveal the identity of the source?

No direct sanctions against journalists who did not reveal their sources were recorded in the observed period. Competent authorities, through court or investigative proceedings, have rarely requested from journalists to reveal their sources and always consented with journalists' choice not to do so. These circumstances should be additionally strengthened through the announced amendments to the regulations, in particular Criminal Code and Criminal Procedure Code. Pressure on journalists through so-called "friendly advice" is more common practice, and persons outside of the media often learn about the communication between the journalists in the newsrooms.⁷⁸

Do journalists feel free to ask for information and maintain contact with sources of information?

Unlike before, journalists are largely now withdrawing or becoming very careful when searching for information from sources, although their sources are becoming relational information resources due to very poor access to information possessed by the public authority. Maintaining contacts with sources is getting more difficult due to new technologies and feeling of constant surveillance by public authorities.⁷⁹ Contacts are maintained to the extent possible, first of all, for the sake of safety of the sources themselves. However, it also indicates a high degree of mistrust and the question of the reliability of the sources themselves since such information is often not accompanied by appropriate data. Potential of surveillance did not yet influence the rise of self-censorship among journalists, but it did affect the working methods in newsrooms. Journalists believe that their contacts are the subject of surveillance who are potentially persons of interest for security structures,

⁷³ Law on Public Information, Article 59 and Criminal Code, Article 41.

⁷⁴ Government of Republic of Serbia, accessed on 27 December 2022, <https://www.srbija.gov.rs/vesti/674074/povlaci-se-nacrt-zakona-o-unutrasnjim-poslovima-iz-procedure-usvajanja.php>

⁷⁵ Outlined by journalists and media professionals interviewed for the purpose of the survey in December 2022 and January 2023.

⁷⁶ Safejournalist database of pressures and attacks for 2022, <https://safejournalists.net/search/>, accessed: <https://safejournalists.net/search/>

⁷⁷ BIRN, <https://birmsrbija.rs/wp-content/uploads/2022/05/Nekontrolisani-nadzor-novi-vid-pritiska.pdf>

⁷⁸ Ibid.

⁷⁹ Ibid.

and various profiles such as criminals, businessmen or politicians.⁸⁰

A6 Protection of access to information of public importance

Which legal regulations on access to official documents and information are relevant for journalists?

The Law on Free Access to Information of Public Importance, which has been in force since 2004, provides the guarantees of the official access to information. At the end of 2021, the latest amendments were made and came into force in February 2022.⁸¹ Many of the associations' proposals were not adopted and essentially no progress was made in increasing the quality of access to information. However, the greatest success is the preservation of already acquired rights and prevention of further deterioration of the right to access to information. There are still norms in the law that restrict the right to access information, so it is possible to deny information due to classified information on seven grounds now, instead of five grounds for restriction.⁸² The list of authorities against which it is not possible to submit complaint to the Commissioner but only to initiate an administrative dispute increased now (7 instead of 6). In addition, when it comes to handling classified information, which is the subject of a request for access to information, the responsibility for the disclosure is transferred to the authority that determines the secrecy, in-

stead of the authority that only possesses such information.⁸³

Do journalists use these rules? Do authorities adhere to the rules without delay?

Journalists are most often among the users of free access to information of public importance (only in 2021, regarding the submitted requests, journalists were lodging complaints in 46% of the total complaints to the Commissioner, however, that was below the legal potential allowed). The problem is still long deadlines for action, the trend of delaying the response to the legal 40 days and the increasing inaction of public authorities. Access to information is used primarily by investigative journalists, rarely by daily newsroom journalists.⁸⁴ Upon received requests, all institutions act differently. The trend of ignoring them is visible, as well as partial action under requests or only after the complaint was lodged and Commissioner reacted. Information is still most often withheld under the pretext that it is confidential or that giving it would violate someone's privacy.⁸⁵

Are institutions at all transparent? Have they been maintaining open, non-discriminatory and fair relations with media, or they tend to work in secrecy? Do government institutions have preferential treatment of politically friendly media?

Institutions are considered partially open, with a trend of declining transparency in their work. The main feature is the illusion of openness and formal actions, but in fact, the institutions do not provide the requested information or provide it partially. The usual excuse is reduced resources or absence of requested information. Some institutions maintain open and non-discriminatory relations with media, irrelevant of the degree or significance, and even develop much simpler communication than access to information. This is highly dependent on responsible person who is the head of the institution. However, in practice, their actions show that institutions publish only what the regulations governing their actions oblige them and the information they have to make public. The amount of protected and personal information that media publish is growing, but those cannot be obtained through access to information of

80 BIRN, "Uncontrolled surveillance as a new form of pressure", accessed on 27 December 2022 <https://birnserbia.rs/wp-content/uploads/2022/05/Nekontrolisani-nadzor-novi-vid-pritiska.pdf>

81 Information of public importance, within the meaning of the Law on free access to information of public importance, means information that public authority has at its disposal, which was created in work or in relation to public authority work and is contained in the document and refers to everything that the public has a justifiable interest to be informed.

82 Completely new grounds for restrictions refer to the protection of intellectual or industrial property rights, endangering the protection of artistic, cultural and natural assets, jeopardizing the environment or rare plants and animal species. The need to prescribe new bases in the field of environment is explained by signed international conventions, and when it comes to intellectual property and cultural goods, the explanation does not contain enough information to assess justification ("because practice has shown that requirements often apply to situations where by accessing information, in the manner of providing the applicant with a copy of the document, these rights, i.e. goods could be endangered"). Transparency Serbia website, accessed on 21 January 2022, <https://bit.ly/3xF9Xug>

83 Transparency Serbia, "Law on Free Access to Information - what has been improved and which problems have not been solved", TS, Belgrade: 14 October 2021, accessed on 21 January 2022, <https://bit.ly/3ExDZ4x>

84 Outlined by journalists and media professionals interviewed in focus groups for the purpose of the survey in December 2022 and January 2023.

85 The latest available Commissioner for Information of Public Importance and Personal Data Report for 2021

public importance. As for local media, mayors and local self-government officials give statements to local media regarding utilities issues that are easily resolved so this creates an illusion of open political communication. However, for problems pertaining to politics, accountability and authorities transparency, the officials do not or only answer when local journalists force them to react after persistent publication of articles.⁸⁶

Nevertheless, leaking information is almost impossible to stop, and this includes prosecutor's investigations and police information as well.

Are courts transparent? Do media have access to legal proceedings on non-discriminatory grounds and without unnecessary limitations?

Courts level of transparency is not very high. The transparency is mostly dependent on openness of specific courts and their presidents. The latest analysis by Partners Serbia showed that basic courts in 85% of the cases do not publish news or statements on their websites, while basic prosecutor's offices fail to do that in 72% of the cases.⁸⁷ There are still very frequent examples of unequal treatment by even the judges themselves. Media presence at trials in Serbia is enabled and each court has its own rulebook on that, depending on specific permits of judges, technical possibilities and moment of announcement. Journalists can generally attend trials, however, recording and cameras inside is permitted only with previous requests and approvals by individual judges. The IJAS survey indicated that judges and courts do not ensure conditions for journalists' work, first of all, because of the rules imposed to journalists by the courts, such as the prohibition to bring equipment into the courtroom or failure to introduce journalists with rules of reporting from trial. There are communication problems too, insufficient accessibility of PRs, court presidents and prosecutors. Other forms of potentially effective communication are also lacking such as press conferences, briefings or direct conversations. Communicating through apps, emails or social media is very rare. It is worrying that none of the courts, prosecutors' offices and even the Constitutional Court has sufficient level of transparency. Judges and prosecutors' reasons to avoid contact with media and treat them with

distrust or disrespect is often due to the unprofessional reporting by the media, primarily tabloids.⁸⁸

Does the public have access to parliament sessions? Are there limitations for journalists to follow the work of parliament?

In Serbia, public access to parliament sessions is provided. The provided regulations enable access to journalists, and in practice, the problem arises in local communities. The National Assembly is a good example, but the situation is still significantly different when it comes to sessions of local self-government assemblies, where there are numerous examples of denying attendance to certain journalists, especially those who critically report on local government work.

Such examples include municipality Grocka in Belgrade, where on several occasions Zig Info portal journalists were banned to enter, or municipality Brus where journalist Nenad Miljkovic is often banned. Aleksandra Reves, journalist of news portal 021.rs, was banned from public sitting of the Spatial Plan Commission in Sremski Karlovci, the Bac municipality Assembly first approved but then denied the accreditation to journalists of investigative portal VOICE from observing local parliament sitting in relation to matters of burning plastics.⁸⁹ Bujanovacki municipality mayor banned "Bujanovacke" from following the sitting of Municipal council,⁹⁰ with complete absence of discussion in local parliaments, as journalists are not allowed to participate or ask questions (Valjevo), banning journalists from sittings of city council (Pancevo).⁹¹

Are government and ministries open to the public, and to what extent?

The Government of the Republic of Serbia and line ministries are open to communication and access to infor-

86 Aleksandra Krstic, *Local media as change makers: impact of local journalism in solving social and ecological issues in municipalities in Serbia*, Kritika, October 2022, accessed: <https://kritika.institfdt.bq.ac.rs/index.php/kc/article/view/100/198>

87 Kristina Kalajdzic, *Analysing the situation regarding judicial authorities transparency and openness*, Partners Serbia, 2022, accessed on 25 February 2023. https://www.partners-serbia.org/public/news/01-Analiza_stanja_transparentnosti_pravosudnih_organu_.pdf

88 Vida Petrovic Skero, *Perception study, Journalists' experience and views on judicial transparency in Serbia*, IJAS, 2022, accessed on 18 November 2022. https://nuns.rs/media/2022/09/FPU_rapport_srb-final.pdf

89 Cenazolovka and NDNV, *Bac municipality denied accreditation to VOICE reporter because they are trying to hide the affair of burning plastics*, 2022, accessed on 15 January 2023: <https://www.cenzolovka.rs/pritisci-i-napadi/ndnv-opstina-bac-uskratila-akreditacije-izvesticima-voice-a-je-r-pokusava-da-zataska-afere-oko-spaljivanja-plastike/>

90 Cenazolovka and Bujanovacke, *Bujanovacki municipality mayor banned Bujanovacke from following the sitting of municipal council*, 2022, accessed on 15 January 2023: <https://www.cenzolovka.rs/pritisci-i-napadi/predsednik-opstine-bujanovac-zabranjuje-bujanovackim-da-pratesednice-veca/>

91 Aleksandra Krstic, *Local media as change makers: impact of local journalism in solving social and ecological issues in municipalities in Serbia*, Kritika, October 2022, accessed: <https://kritika.institfdt.bq.ac.rs/index.php/kc/article/view/100/198>

mation, however that largely depends on the individual relation between the questions asked and the minister.⁹² Information and copies of documents can be obtained from the Government of Serbia and its General Secretariat. In 2021, the Commissioner submitted 82 requests to the Government for ensuring enforcement of his decisions and received no feedback on that.⁹³ By the latest information available, in 2020, Serbian Government received 4981 letters by citizens and journalists, and Government Secretariat acted in 3050 of the cases.⁹⁴

92 *Outlined by journalists and media professionals interviewed in December 2022 and January 2023*

93 *Commissioner for Information of Public Importance, Report of the Commissioner for 2021, <https://bit.ly/3vtGj8y>. Out of a total of 422 requests for enforcement, as many as the Commissioner has submitted to the Government since 2010, Government failed to do it in any of the cases. The page with published reports: <https://www.poverenik.rs/sr-yu/o-nama/qodisnji-izvestaji.html>.*

94 *Ibid.*

B1 Economic restrictions of journalists in newsrooms

How many journalists have signed employment contracts? Do they have appropriate social insurance? What are journalists' salaries? Do they receive regular payments?

Social and economic position of female and male journalists in Serbia remains very unfavourable. According to the latest available information of the Statistical Office of the Republic of Serbia, 12.648 people were working as journalists or media workers in 2022 (269 more working journalists than 2021).⁹⁵ According to the official data, 10,733 journalists work under contracts equal to permanent employment contracts, while officially 1,142 persons work under other type of employment contracts. There are still no exact data on how many journalists have signed the employment contracts, but according to available research on specific samples, there is no more than 55% of journalists with employment contracts in Serbia (central Serbia about 50%, Vojvodina about 60%).⁹⁶ Average journalist salary in Serbia ranges about EUR 400.⁹⁷ The number of employees in Radio Television of Serbia in November 2022 was 2525, and the total amount of

95 Statistical Office of Republic of Serbia, accessed on 21 January 2023: <https://www.stat.gov.rs/sr-latn/oblasti/trziste-rada/registrovana-zaposlenost/sti/trziste-rada/registrovana-zaposlenost/>

96 *Ibid.*

97 JAS, *Economic and social position of journalists, Serbia, region, Europe, 2020*, accessed on 13 September 2022 http://uns.org.rs/sw4i/download/files/box/_id_6552/Ekonomski%20i%20društveni%20polozaj%20novinara_UNs_decembar%202020.%20CIR.pdf

RSD 134,578,018.91 was paid to all employees for the regular work.⁹⁸ According to this, average salary in previous year was RSD 44,415 per employee, however, as per information of RTS director, salaries in public broadcaster are above national average (national average in December 2022 was RSD 72,000). Every fifth journalist in Vojvodina does not have or is not sure if they have retirement, social and health insurance, and situation is even worse in central Serbia. Journalists often get hired based on contracts, but hiring under special employment contracts is growing (so-called grey market). In February 2023, as examples of such hire, the information and data appeared about some journalists' salaries, additional payments outside the regular system through fees, contracts with private productions and companies related to hosted TV shows broadcasted on RTS. The Culture and Information Committee of the National Assembly organised an extraordinary sitting because of that,⁹⁹ and RTS came under the investigation of the Counter-Organized Crime Service (COCS). The poor status of journalists and media workers who are hired based on contracts outside an employment relationship and who are completely deprived of all rights stemming from employment relationship is still present. Although formally they are hired as self-employed persons based on temporary service contract or some other contract based on civil, business and intellectual property rights, these journalists are often fully involved in the media working process, while the employers make huge savings through this.¹⁰⁰

What are journalists' working conditions? What are most significant problems journalists face in their job?

Journalists still work in a very unfavourable working environment, and such position is deteriorating every year. As their biggest problems, journalists point out low salaries, irregular payments, uncertainty, and precariousness of them staying in the media outlet, poor working conditions at their jobs and in journalistic profession, numerous other pressures that largely aggravate the job in the media. Poor financial and economic situation forced journalists to work for several newsrooms in order to provide essential means of living or carry out tasks completely unrelated to journalistic profession. This is a particular characteristic of journalists in local media. Large

number of journalists work for other media at least under a contract.

B2 Editorial independence in private media

Have private media adopted organisational regulations to keep the newsrooms separate and independent from managers and marketing departments?

The majority of private media does not have internal regulations that distinctly regulate their internal organisation of separating newsrooms from management and ownership. There are legal and self-regulatory measures in Serbia that should ensure the editorial independence of media, but in practice that does not happen.¹⁰¹ Newsrooms depend on owner's influence and needs of marketing departments that generate revenue, so the entire work of newsrooms almost comes down to financial status and profit of media outlet.¹⁰²

Have private media adopted other rules protecting editorial independence from media owners and management bodies? Are these rules observed?

The most of private media outlets do not have other regulations protecting the editorial independence from the media owners. Lack of trust and political interests that are directly related to profit remain the usual reasons for not adopting internal regulations on the protection of editorial independence. It is considered that entire social and political environment and state of impunity contribute to non-compliance with basic principle of having newsrooms independent from owners and management structures.¹⁰³

Do private media newsrooms have internal codes of ethics, or they adhere to the general code of ethics?

Private media usually do not have codes of ethics, so they follow ethical rules regulated by the Serbian Journalists' Code of Ethics adopted by two major journalists asso-

98 RTS Fact Sheet, updated in November 2022 <https://www.rts.rs/upload/storyBoxFileData/2022/11/16/21050760/informator-ordu-rts-lat.pdf>

99 Sixth Sitting of the Culture and Information Committee of the National Assembly of Serbia, on 21 February 2023, accessed on: <https://www.youtube.com/watch?v=Q91Nj9ppxYc>

100 Bojan Urdarevic, "Survey: Positions and rights of independent journalists in Serbia", IJAS, 2021, <https://nuns.rs/izvestaji/>

101 Law on Public Information and Media, Article 4 and Article 51

102 Outlined by journalists and media professionals interviewed in December 2022 and January 2023

103 Outlined by journalists and media professionals interviewed in December 2022 and January 2023

ciations IJAS and JAS. The Online Media Association members adhere to Online Media Association Code.

What are the most common forms of pressure exerted on editors and individual journalists by owners and managers in the media? Can you think of the most illustrative example of the pressure of owners or managers in media on the entire newsroom or one journalist in the last year?

Journalists in private media come under various forms of internal pressures on a daily level. The reasons for such pressure are mostly of political and financial nature and are related to realisation of profit with private media. The media are less objective in their reporting. They behave as if they are completely negatively critically oriented towards the actions of the state irrelevant of some positive decisions, or they provide full support to power holders.¹⁰⁴ Particular form of pressure is still visible from the internal side, by the management authority, owners who take into account assessments of marketing teams in setting and assessing goals, thus including the impact on the work of editors and newsroom. Editors are appointed as reliable, so through so-called soft censorship,¹⁰⁵ they control journalists' writing.¹⁰⁶

B3 Editorial independence in public broadcasters

Do public broadcasters have special codes of ethics and editorial independence? Do journalists abide by such codes?

The Law on PBs prescribes editorial independence in public broadcasters, whereas the statutes of RTS and RTV envisage the independence of editorial policy and prohibition of any form of censorship or unlawful influence on the newsrooms and journalists. By the end of 2022, Radio Television of Serbia adopted its Code of

Ethics.¹⁰⁷ This document is governing standards of employees' behaviour based on the respect of human dignity and appreciation of human rights. The Code stipulates provisions on the conflict of interest, prohibition of using classified information and business possibilities in personal interest, professional standards and ethical principles. According to international surveys, the public broadcasters belong to the group of captured media who are under the specific control of state or in its ownership.¹⁰⁸

Do the bodies of public broadcasters have the internal organisational rules to make newsrooms independent from the managing bodies? Are these rules observed?

There are no special internal organisational rules within public broadcasters that would ensure greater independence of newsrooms from the managing bodies. New ethical Code of RTS does not regulate organisational rules separating newsrooms from management. Regardless of the existing legal provisions, such independence has not yet been achieved.¹⁰⁹

What are the most frequent forms of pressure exerted by the Government on newsrooms or individual journalists in public broadcasters? What were the most illustrative examples of Government pressure on the operation of the newsrooms or individual journalists in the previous year?

Journalists believe that there is highly pronounced political pressure on editors, consequently journalists too, so they believe this is a reason for the visible absence of topics important for the public, self-censorship and soft censorship. Journalists who have their stories rejected by editors and who are critical of the government representatives' behaviour experience particular pressure. As one of the forms of pressure, we take note of cases of mobbing by editors and journalist colleagues.¹¹⁰ Some of the forms of pressure include harsh statements by the Prime Minister, targeting and labelling of some

¹⁰⁴ *Ibid.*

¹⁰⁵ *The hidden control or what is known as quiet or soft censorship is hardly visible and very indirect, yet highly efficient mechanism of media control diminishing journalist's independence, limiting freedom of expression and constricting democratic debate. Three basic forms of hidden control (as classified by the Open Society Institute Justice Initiative): abuse of public resources and monopoly, abuse of regulatory and inspection powers and administrative pressures (licencing, tax reliefs, etc.)*

¹⁰⁶ *Outlined by journalists and media professionals interviewed in December 2022 and January 2023.*

¹⁰⁷ *Code of Ethics of Public Broadcaster RTS, accessed on 10 January 2023: <https://www.rts.rs/rtss/javni-servis/pravni-akti/1395700/dokumenta-upravnog-odбора.html>*

¹⁰⁸ *The State of State Media – A Global Analysis of the Editorial Independence of State Media Based on the State Media Matrix (2022 Edition). Accessed on 14 February 2023: <http://journalismresearch.org/wp-content/uploads/2022/10/State-Media-2022.pdf>*

¹⁰⁹ *Outlined by journalists and media professionals interviewed in December 2022 and January 2023.*

¹¹⁰ *Ibid.*

media as enemies of Serbia. Television N1 and newspapers Danas were the most targeted.¹¹¹

B4 Editorial independence of the non-profit media

Have the non-profit media adopted the codes of ethics for journalists and editorial independence? Do journalists abide by such codes? What are the most usual forms of pressure on non-profit media?

Non-profit media usually do not have their own codes of ethics but instead they abide by the Serbian Journalists' Code, though, some of them have created internal documents to regulate their work additionally. The Centre for Investigative Journalism of Serbia - CINS, Insajder, Balkan Investigative Reporting Network - BIRN and portal KRIK have developed their internal acts, and BIRN has its code of ethics. Non-profit media and their journalists are usually subjected to pressure, insults, targeting and brutal attacks, such as being placed in negative context and targeted in public by highest government officials or tabloid media journalists inclined towards authorities, in particular, in prime time shows on media with national coverage, also smear campaigns, various organised forms of pressure and insults via social media, including in-person insults at press conferences by high government representatives.¹¹²

What is the most illustrative example of pressure on non-profit media?

In 2022, the most illustrative example is SLAPP lawsuits against investigative portal KRIK. In past year, KRIK was involved in 10 proceedings, being sued for various forms of alleged violations of honour and reputation, use of personal data and alleged publishing of incorrect data. Courts were demanded to punish KRIK with fines, and in one case, the imprisonment sentence was demanded. KRIK journalists and editors are sued by ministers, politicians, former politicians, powerful people and businessmen who easily press charges even for passing information about press releases or exhibited evidence in public court hearings. SLAPP lawsuits caused

numerous reactions, but in the European Commission Report, the lawsuits against independent journalists are especially mentioned.¹¹³

B5 Freedom of journalists in the news production process

How much freedom do journalists have to pick the news they work on and to decide what aspect of the story should be emphasised?

Free selection of topics that journalist would work on largely depends on the media where a journalist works, notably on its organisation and editorial policy applied in that media. In investigative media and public broadcasters, journalists and editors usually jointly decide on stories they prepare. In public broadcasters, the sensitive socio-political topics are desirable only if they are not negative on the public office holders. It is obvious from examples that some journalists do not get opportunity to work on articles for years, or their articles are never published. Proposing topics and in particular emphasising some aspects of their story has an impact on journalists' position in the media outlet.¹¹⁴

How often do journalists participate in the editorial meetings (attendance in staff meetings or assignment of tasks to reporters)?

The journalists mostly participate in the work of editorial team and newsroom through meetings and staff meetings. In smaller media outlets, journalists are engaged through participation in staff meetings, whereas in bigger media outlets they usually do not participate but rather have separate agreements with their editors. Unlike public broadcasters, in non-profit investigative portals that have higher degree of freedom to select and debate the topics of news, the relationship and agreement with editors is much better.¹¹⁵

111 Danas, "N1 is the target of Prime Minister Brnabić: A bigger show than Rada Trajković is the "professional" media that is the guest", 08/22/2022, Accessed: <https://www.danas.rs/vesti/politika/n1-na-meti-premierke-brnabic-veci-sou-od-rade-trajkovic-su-profesionalni-mediji-koji-je-goste/>

112 Outlined by men and women journalists within focus groups realised in January 2023.

113 KRIK, Authorities in Serbia should sanction pressure on media, in particular SLAPP lawsuits against KRIK, accessed on 13 January 2023, <https://www.krik.rs/bilcik-vlast-u-srbiji-da-sankcionise-pritiske-na-medije-posebno-slapp-tuzbe-protiv-krik-a/>

114 Outlined by journalists and media professionals interviewed in December 2022 and January 2023.

115 Ibid.

What are the attitudes of journalists regarding journalists' ethics?

Journalists' work ethics largely depends on the media where a journalist works, so they behave in accordance with the media editorial policy. Journalists in tabloids keep breaking ethical standards, breaching and endangering privacy, personal data and human rights, presenting details from particularly difficult cases, health status of children and citizens, violence over women and children, missing persons and other adversities people are facing. For example, pro-government tabloid *Informer* violated Journalists' Code many times. Complaints Committee of the Press Council issued 23 public reprimands to them from beginning of 2020 until June 2022.¹¹⁶ As for the reasons of journalists' unethical writing, it is mostly explained by the fact that the audience demands it and due to impunity, they can continue with it.

How many journalists report censorship by editors? How many journalists report self-censorship as a result of fear or loss of job and other risks?

In Serbia, journalists do not report the cases of censorship, however they are exposed to various forms of it. Out of all forms of censorship present in media, self-censorship is most pronounced and linked to problems of economic and financial nature, i.e. stability of the journalist's position. Journalists in Serbia cannot risk too much, otherwise, they would be fired. Number of journalists who succumbed to self-censorship is unknown.¹¹⁷

B6 Economic position of female journalists

Do female journalists have worse working conditions compared to their male colleagues? Do they sign employment contracts as often as men do?

The position of female journalists in the working environment is worse compared to a male journalist.¹¹⁸ Official data show that 5,860 women journalists are working in the media in Serbia, which means that the

media hire less women journalists than men (45.5%).¹¹⁹ However, women in media are less paid, because they occupy lower positions, although their responsibility on the field is very high.¹²⁰ Despite few pieces of information on the comparative relation of signed employment contracts, women journalists are more prone to safety of permanent contracts, unlike their male counterparts.¹²¹ Position of investigative female journalists is conditioned by crossing of two spheres – demands of their profession and private life since they do not have clearly defined working hours, their salaries are smaller, and they have insecure working status and are exposed to huge exhaustion. Serbian society is still permeated by the opinion that politics, economy and corruption are more male than female topics and that women should work on “nicer” topics.¹²²

Do women tend to assume leading positions in newsrooms as much as men do?

In the newsrooms, the number of women is prevailing, however editorial positions more often belong to men. The reason is that editors strive for position of power, and this is, as male and female journalists claimed, primarily a goal of men working in media.¹²³ More than 60 percent of persons employed in media are women, only 18 percent of them occupying the position of editor-in-chief, mostly in online portals, while there is not a single woman editor in printed media.¹²⁴

How much do female journalists earn compared to their male colleagues?

Salaries of female journalists are almost identical to those of male journalists', in relation to conditions of work and their position. However, the research shows that women in media are less paid because they occu-

¹¹⁶ Press Council information.

¹¹⁷ Outlined by journalists and media professionals interviewed in December 2022 and January 2023.

¹¹⁸ *Ibid.*

¹¹⁹ Statistical Office of Serbia data for 2022.

¹²⁰ Danas, Sanja Pavlovic (AZC): Sixty percent of employees in media are women, but only 18% occupy positions of editors-in-chief, <https://www.cenzolovka.rs/scena/sanja-pavlovic-azc-u-medijima-60-odsto-zaposlenih-cine-zene-a-samo-18-odsto-njih-je-na-poziciji-glavne-urednice/>

¹²¹ Outlined by journalists and media professionals interviewed in December 2022 and January 2023.

¹²² Marijana Stojic, You have to be a super woman - self-perception of investigative women journalists in Montenegro, North Macedonia and Serbia, CINS, accessed on 25 February 2023, <https://www.cins.rs/wp-content/uploads/2023/02/Samopercepcija-polozaja-istrazivackih-novinarki-u-Crnoj-Gori-Severnoj-Makedoniji-i-Srbiji-CINS-istrazivanje.pdf>

¹²³ Outlined by journalists and media professionals interviewed in December 2022 and January 2023.

¹²⁴ Danas, Sanja Pavlovic (AZC): Sixty percent of employees in media are women, but only 18% occupy position of editor-in-chief, <https://www.cenzolovka.rs/scena/sanja-pavlovic-azc-u-medijima-60-odsto-zaposlenih-cine-zene-a-samo-18-odsto-njih-je-na-poziciji-glavne-urednice/>

py lower positions, although their responsibility on the field is very “high”.¹²⁵

Are female journalists subject to specific sex-based pressure?

Female journalists are often exposed to gender-based pressure. There are many such forms of pressure and they stem from the specific social context and relationship towards women. The pressure is often exhibited in relation to women journalists for whom people from their surroundings believe they should even not do their job. These forms of pressure are expressed inside the newsroom but also by the external factors. There are particularly difficult forms of pressure online and on social media and the number of such incidents, in particular with sexual connotation, is rapidly growing, as citizens are not aware they are insulting or attacking journalists, and on the other hand, they believe there will be impunity for such actions. The female journalists are subject to inappropriate comments regarding their physical characteristics, the way they dress or look.¹²⁶

¹²⁵ *Ibid.*

¹²⁶ *Outlined by men and women journalists within focus groups realised in January 2023.*



C1 Statistics of safety and impunity

In 2022, according to the journalist attack database of the Safejournalists network ([Safejournalists.net](https://safejournalists.net)), there has been in total 56 incidents registered in Serbia, categorised as cases of attack on journalists and media workers. The Republic Public Prosecutor's Office has regularly published information in accordance with their data on received criminal complaints and notifications and they recorded lower number of incidents against journalists.

Verbal threats and harassment

There was a drop in number of threats, forms of intimidation and harassment of journalists in the last year. There were 8 cases of various forms of verbal threats and harassments, often online, i.e. social media, but the most severe cases were done by physical means. The worst was putting up posters around Vranje with image of Veran Matic, after Standing Working Group (SWG) for increasing safety of journalists visit to the city of Vranje and OK radio as their support in the case of the owner of illegal gambling facility erecting the wall so the head office of OK radio became blocked and walled up. After these threats and harassment, Matic and Jug Press editor from Leskovac, Ljiljana Stojanovic, were granted police protection. Despite endangerment of safety, the case was dismissed in court.

Table 2: Number of registered attacks on journalists in 2022

Categories	Numbers	Description
<p>Verbal threats, pressure and harassment</p> <p>The verbal threats and harassments include:</p> <ul style="list-style-type: none"> – surveillance or trailing; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive declarations by public officials; – other forms of pressure that can jeopardise the safety of journalists in pursuing their work. <p>These types of threats do not include mobbing and bullying in the working environment.</p>	8	<ul style="list-style-type: none"> – Broadcasting film “Meta Family” (Stevan Dojcinovic, Branko Cecen, Slobodan Georgiev and Zoran Kesic) linked with the alleged attempt of the President of Serbia assassination – Targeting media in Vojvodina (Portal Q21, Luftika, Autonomija, VOICE, NDNV) and naming them media mafia – Targeting and accusations against koSSev by the Serb List – Putting up wanted posters with picture of Veran Matic in Vranje – Targeting and accusations against Jelena Zoric by former state secretary on TV Happy show – Targeting Veran Matic in newspapers Informer by publishing parts of story from alleged book of Zvezdan Jovanovic, sentenced for Prime Minister Djindjic’s murder – Posted stickers with Nenad Kulacin residence address in Belgrade – Verbal threats to the crew Za Media, preventing cameraman Davor Pujic to record inspection control with swear words
<p>Threats against the lives and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – Threats of killing journalists, journalists’ friends, family or sources; – references to making physical harm against journalists, journalists’ friends, family or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or via third-parties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit. 	23	<ul style="list-style-type: none"> – Death threats against Nedim Sejdinovic on Facebook – Threats against Milan Stojanovic from Nis – Threats of assault and death against Nikola Krstic on Twitter and Instagram – Death threats against Miljko Stojanovic on Facebook – Facebook verbal threats against Verica Marincic – Serious verbal threats against journalists and employees in OK radio in Vranje – In-person threats against TV Nova S crew – Verbal threats against journalist Ksenija Pavkov in front of the Chinese factory in Zrenjanin – Verbal threats against Dinko Gruhonjic and his family through graffiti – Threats of attack against Marko Vidokovic on Instagram – Verbal threats on social media against Isidora Kovacevic from Podrinjske – Verbal threats of attack against Nova S crew on Banovo brdo in Belgrade – Threats against Nemanja Todorovic on social media – Harsh verbal threats against Pero Jovovic on Instagram – Threats of physical safety against Dragojlo Blagojevic by phone – Death threats against Kurir editor and journalist via text message – Threats of harming Danas portal editor Bojan Cvejic via email – Serious threats of attack against Marko Vidokovic and Nenad Kulacin on social media – Threats of in-person attacks against Slobodan Dukic – Threats of aggravated bodily harm against Jelena Skenderija on social media – Reassumed threats against Vladimir Mitric who is under police protection for 18 years – Threats against Jelena Obucina on social media by impalement and burning, depicted in sexualised context
<p>Attacks on journalists</p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	10	<ul style="list-style-type: none"> – Physical assault against Slavica Panic and attempted knocking of phone from her hand – Attack against Marijana Kutlaca on the street – Physical assault and throwing stones on Bulgarian National Television crew in the mine near Dimitrovgrad – Physical attack against Nova S journalist during Europride – Physical attack against journalist and cameraman of TV N1 crew during Europride – Threats and shoving Tanjug crew in front of Saint Sava temple – Physical attack against Petar Gajic – Physical attack against Dragan J Vucicevic in front of Informer head office – Physical attack against Tamara Tankosic, RTS journalist, at the rally – Physical attack and threats against Emilija Maric in Novi Sad
<p>Killings of journalists (in the past 15-20 years)</p> <p>Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, etc.</p>	1	<ul style="list-style-type: none"> – Milan Pantic was killed by brutal metal bar blows in Jagodina 11 June 2001

Categories	Numbers	Description
Threats and attacks on media institutions, organisations, media and journalists' associations Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.	15	<ul style="list-style-type: none"> – Death threats against newsroom and journalists of TV N1 on social media – Physical damage of several media office entrances, Panon RTV, Subotica Hungarian Radio, Madjar So and Het Nap – Email threats against TV N1 newsroom – Danas newspapers newsroom email threats – Bomb threats in offices of several media outlets from territory of Kosovo and Metohija – Bomb threats in Becej museum – Bomb threats on premises of RTV in Novi Sad – Breaking glass on RTV Podrinje cars in Sabac – Bomb threats to JAS in Belgrade – Bomb threats to RTS and Radio Belgrade – Bomb threats to RTS in Belgrade – Danas newspapers newsroom threats in comments on website – Bomb threats against newsroom of Kosovo Online and newspapers in Adria Media Group – Serious threats that they will end up as Charlie Hebdo newsroom against Danas daily newspaper and portal journalists by email – Simo Spasic approached TV N1 car parked at the “wall of Kosara heros” and placed protective fence on the car hood

Threats to life and physical safety of journalists

Number of serious verbal threats has dropped compared to last year, so 23 cases were recorded. These threats are characterised by particular serious forms of threats, such as terrorist threats of attack against Danas newspapers and portal newsroom and very grave threats against journalists who reported in front of the Chinese factory in Zrenjanin. Despite quick reactions, none of these cases was resolved. Journalist Jelena Obucina received brutal threats on social media, after the Alo tabloid maliciously interpreted her introduction in the news bulletin when she used a jargon saying that Vucic “will bury himself” if he does “not come to his senses” as regards Kosovo and sanctions against Russia. In their articles, these media interpreted it in a wrong way: “Vucic – you should rather recognise Kosovo or you will be buried – tycoon media again threatening the President of Serbia”, thus exposing the journalist to threats and insults on social media, and in one of those social media threats, she received threats of impalement and burning. Proceedings are still ongoing.

The number of physical assaults

In 2022, the number of physical assaults is somewhat higher compared to previous year, so 10 such cases were recorded. The physical assaults are linked with journalists reporting from various protests and other events characterised by participants’ violent behaviour, but also in isolated separate events when Nova S or N1 were reporting from the spot.

Number and type of journalists’ murders

In the past 26 years, Serbia witnessed three journalists’ murders. The only case that saw some progress is the murder of journalist Slavko Curuvija, editor-in-chief and owner of Dnevni telegraf, which occurred in 1999. After the passed judgment in 2019, whereby the Specialised court in Belgrade enacted the first instance judgment and convicted four members of the former state security service, and after the appeals, on 7 September 2020 the Court of Appeals in Belgrade sustained the appeals and cancelled the first instance judgment. After several hearings postponement, on 2 December 2021, new judgment was passed in retrial. After the retrial, the specialized court panel found four former members of the State Security Service (SSS) – Radomir Markovic, Milan Radonjic, Ratko Romc and Miroslav Kurak, guilty of murder of the journalist and publisher Slavko Curuvija. The court sentenced Radomir Markovic and Milan Radonjic to 30 years of prison, while Ratko Romc and Miroslav Kurak were sentenced to 20 years of imprisonment each. After new appeals were sustained before the Court of Appeals, on 6 September 2022, new trial started.

In the case from 1994 when journalist of Duga magazine, Radislava Dada Vujasinovic, died, and in another case from 2001 when correspondent of Vecernje novosti from Jagodina, Milan Pantic was murdered, there is still no visible progress. Both cases are in pre-investigation proceedings. In 2022, Milan Pantic’ murder case was moved to Special Prosecutor’s Office in Belgrade, that continued deliberation of existing evidence. Journalist Dejan Anastasijevic did not live to see the resolution of

the attempt of his murder in 2007 that luckily was not fatal. The case is still in the pre-investigation phase. There has been no clarification who committed the assault and who were the ordering parties.

The number and type of threats and attacks against media institutions, organisations, media and journalists' associations

The number of attacks and threats to media companies is identical as in 2021. There were 13 such incidents recorded, the most against Nova S and TV N1 crews. The particular situation of the Ukrainian war caused huge rise in number of threats by planting bombs, however none of these threats proved true. Journalists' crews were insulted, threatened, physically assaulted, and their equipment was even targeted. In several cases, citizens did not allow reporting from public fields. However, many proceedings are still in the pre-investigation or investigation phase.

C2 State institutions and political actors' behaviour concerning journalists' protection

Are there any special provisions of the laws or other mechanisms aimed at supporting the protection of journalists' safety, online and offline?

The Criminal Code of RS recognises "persons performing the activities of public importance in the field of information, relating to the activities performed," referring to journalists, media workers and other persons reporting in public interest, and it refers to three criminal offences that in special parts refer directly to endangerment or damage against journalists.¹²⁷ In the last year, amendments to the Code are under consideration for the purpose of affirming offences that could be more easily and efficiently proven and reflect the reality of threats against journalists. Through the work of Standing Working Group (SWG) for increasing safety of journalists another 27 new special criminal offences are recognised that upon reporting of the incidents and further processing by competent public prosecutor's offices and the MI, may be considered as eligible for endanger-

¹²⁷ Three criminal offences that refer to endangerment of safety of person performing the activities of public importance in the field of information in relation to the activities performed are as follows: "Endangerment of Safety" under Article 138, para. 3, "Aggravated murder" under Article 114, para. 1, point 8 and "Serious bodily harm" under Article 121, para. 6 of the Criminal Code.

ing journalists' safety.¹²⁸ The most important and most efficient mechanism developed within SWG consists of RPPO, MI and six journalists' organisations and associations¹²⁹, and this is a developed system of contact points for reporting and monitoring incidents against journalists. Within this system, it is possible to report and check the course of proceedings that were launched and to react in the event of identifying certain irregularities.

Are there any documents (protocols, rules of procedure etc.) enacted by state institutions that provide additional guidelines to the army and police how to act with journalists?

There are several protocols and documents in Serbia that have been created to provide working guidelines for attacked journalists. Within the Standing Working Group, the system of contact points is in operation for years now and 27 new criminal offence were introduced that could be qualified as offences against journalists. The MI and Republic Public Prosecutor's Office have developed internal instruction with the aim of improving the system of reception of complaints and proceedings in cases of attacks against journalists. The 2018 Ministry of Interior instructions include rapid response of police officers in cases of attacks against journalists, liaising acting officers with contact points, improved internal control of the proceedings and informing of the injured parties. In 2021, the RPPO adopted the General Mandatory Instructions that is based on the criminal offence of endangerment of safety under Article 138, para. 3 of the Criminal Code and in practice, it helped accelerate the actions of public prosecutors within the period of 24 to 48 hours from opening of the case, increasing the number of contact points in each prosecutor's office, registering special records, but also possibility of disciplinary proceedings against the prosecutor who has failed to act upon the provisions of the mandatory instruction.¹³⁰

¹²⁸ The working group for the Criminal Code analysis, the Republic Public Prosecutor's Office, accessed: <http://www.rp.gov.rs/assets/Zaklju%C4%8Dak%20radne%20podgrupe%20za%20analizu%20Krivi%C4%8Dnog%20zakonika.pdf>

¹²⁹ Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Independent Electronic Media, Media Association, Association of online media and Journalists' Association of Vojvodina (its work was in the meantime suspended and it subsequently withdrew from the Agreement and the Standing working group).

¹³⁰ Law on Public Prosecutor's Office, "Disciplinary proceedings", under Article 104, para. 1, points 4 and 5.

Are there any mechanisms for monitoring and reporting on threats, harassment and violence against journalists? Do state institutions publish the information on attacks against journalists and impunity?

Serbia developed mechanisms for monitoring and reporting on incidents against journalists. Since 2016, the Republic Public Prosecutor's Office (RPPO) and Ministry of Interior have been keeping the records of attacks

against journalists. At the quarterly level, RPPO makes notifications on public prosecutor's offices actions related to criminal offences against journalists and delivers it to all members of SWG, as well as statistical data on changes compared to last year that are published on a special webpage on official RPPO website.¹³¹ The MI keeps its internal records and does not deliver official

¹³¹ RPPO, Safety of journalists. <http://www.rjt.gov.rs/sr/bezbednost-novinara>

Table 3: history of the most severe court cases related to journalists in the last 5 years

Case	Year 2018	2019	2020	2021	2022
KRIK After the investigation into the assets of public officials, on 15 July 2016 KRIK newsroom received threats through social networks that "they should be lined up and shot as foreign agents in Serbia".	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office. Letters of request have been addressed for the provision of international legal aid. 	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office. Letters of request have been addressed for the provision of international legal aid. 	Proceedings are ongoing. There is no progress.	Proceedings are ongoing. There is no progress.	Proceedings are ongoing. There is no progress.
Nihad Ibrahimkadic On 5 January 2017 the journalist was injured in an attack near railway station in Belgrade.	<ul style="list-style-type: none"> Criminal charges rejected for two persons. The case was transferred to the records of unknown perpetrators Collection of evidence was resumed. 	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts. 	Proceedings are ongoing. There is no progress.	Proceedings are ongoing. There is no progress.	Proceedings are ongoing. There is no progress.
Marija Vucic After publishing an article on Facebook, the journalist received threats on 24 June 2017: "Whore, you'll be slaughtered soon".	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts. 	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts. 	Proceedings are ongoing, no progress.	Proceedings are ongoing, no progress.	Proceedings are ongoing, no progress.
Dragana Peco On 7 July 2017, the apartment of journalist Dragana Peco was broken into while she was out of Belgrade.	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts. 	<ul style="list-style-type: none"> The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts. 	Proceedings are ongoing, no progress.	Proceedings are ongoing, no progress.	Proceedings are ongoing, no progress.
Zeljko Matorcevic On 9 October 2018 the journalist was physically attacked by an unknown person.	<ul style="list-style-type: none"> The case was reported to the police. 	<ul style="list-style-type: none"> The Prosecutor's office passed a decision to reject criminal charges Appeal was lodged by the injured party. The objection was sustained, evidence collection scheduled. 	After reassuming collection of evidence, a decision was passed on rejection of criminal charges against the reported person. The case was filed in the registry of unknown perpetrators until identification and reassuming of further collection of evidence.	No progress. The case is still in the registry of unknown perpetrators until identification and reassuming of further collection of evidence.	Proceedings are ongoing, no progress.

Case	Year 2018	2019	2020	2021	2022
<p>Milan Jovanovic On 12 December 2018, the journalist's garage was initially set on fire and later it spread on the entire family house in Grocka.</p>	<ul style="list-style-type: none"> - The Second Public Prosecutor's Office in Belgrade filed criminal charges. - The court proceedings are ongoing. - Out of 7 main hearings, only three have been held. 	The court proceedings are ongoing	The court Proceedings are still ongoing	<p>Eight hearings were held. Dragoljub Simonovic was sentenced by first instance verdict of 23 February to four years and three months of imprisonment. The Second Basic Court in Belgrade pronounced the same punishment for Aleksandar Marinkovic who is on the run, as the direct perpetrator for whom it has been established to have thrown Molotov cocktail on the garage in Jovanovic's house.</p> <p>Vladimir Mihailovic was sentenced to four years as it was established he was an intermediate who selected the perpetrator.</p> <p>In November 2021, Igor Novakovic was sentenced under same indictment. The appeal proceedings is still ongoing.</p> <p>The Court of Appeal abolished the ruling in December 2021, due to procedural reasons, sustaining all the appeals of defence attorney.</p>	The trial is ongoing before the first-instance court, in the repeated proceedings. The trial started on 6 September 2022.
<p>Zikica Stevanovic The journalist was brutally beaten by members of the Gendarmerie of the Ministry of Interior during violent demonstrations on 7 July 2020. Stevanovic took several hard blows, particularly hard in the head, although he kept demonstrating the press ID.</p>			<p>Criminal charges filed for abuse. Proceedings are ongoing.</p> <p>Internal control of conduct of Gendarmerie officers is carried out in the Ministry of Interior</p>	<p>Proceedings are ongoing. The MI internal control is still underway.</p>	<p>Proceedings are ongoing. The MI internal control is still underway.</p>
<p>Andrija Vukelic Photojournalist was brutally beaten when he tried to make photos at the SNS supporters rally in Sabac on 29 November 2021. Vukelic was nearly lynched by a group of people, when he took several blows on his head and body, and his camera was stolen.</p>				<p>Photojournalist reported the physical attack directly in the police station. The proceedings still ongoing.</p>	

Case	Year 2018	2019	2020	2021	2022
<p>Danas newspapers and portal newsroom</p> <p>On 6 November, to his office email inbox the editor-in-chief of Danas Dragoljub Petrovic, received an email with threats against journalists, editors and editorialists of the newspapers. The email mentions journalists from these newspapers and threatens them with the same fate of the French satirical magazine “Charlie Hebdo” newsroom.</p>					<p>Cases reported to the Special Prosecutor Office for Combating High-Tech Crime and the police. Upon the request of Danas editor-in-chief, the entire newsroom had their safety assessment done, and security was assigned to stand in front of the building along with MI members patrolling there. The proceedings before the prosecutor’s office is in the phase of collecting required information and notifications.</p>

data on attacks against journalists. The special mechanisms for monitoring of cases have been developed within the system of contact points from journalists’ organisations and associations and contact points of public prosecutors and MI officers who keep monitoring and reviewing the incidents. The most important mechanism for monitoring and reporting on cases of threats and attacks on journalists remain the journalists’ organisations and associations (IJAS and JAS) that collect and publish information and react by press releases regarding the reported events.¹³²

Do state institutions recognise the attacks against journalists’ safety as a breach of freedom of expression and criminal code? Do government officials issue clear statements of condemnation against journalists’ attacks?

The state institutions recognise the attacks on journalists in the form of criminal offences under the Criminal Code and misdemeanour offences under the Law on Public Order and Peace. On the other hand, representatives of authorities only give statements in specific cases, when its grave physical assaults, but they often initiate serious attacks themselves. The selective and periodic response, absence of fierce condemnations of serious pressures, targeting and accusations against journalists tells about double standards when it comes to recognising and condemning attacks.

Do state institutions cooperate with journalists’ organisations regarding the safety of journalists?

State institutions usually cooperate with journalists’ associations through working groups for journalists’ safety and communicate with the journalist associations and organisations through contact points, which proved to be a good form of communication and cooperation. However, it is believed that in this way the state is trying to demonstrate high level of efforts in trying to solve problems of journalists’ safety, primarily to international factors, without any true commitment to really improve the level of journalists’ safety.¹³³

Do state institutions respect the freedom of expression and privacy in cases of electronic surveillance? What is the most recent case of electronic surveillance of journalists?

Surveillance over electronic communications has been regulated by provisions that precisely describe the manner and cases when this is possible and how the surveillance is applied by MI.¹³⁴ On the other hand, there is no special law in Serbia to regulate the area of production, trade and use of secret data collection equipment. Although in that sense, it has been suspected that in previous years Serbia has been already using equipment for secret citizens data surveillance (the case of

¹³² Ibid.

¹³³ Outlined by journalists and media professionals interviewed in December 2022 and January 2023
¹³⁴ Criminal Procedure Code, Articles 161 to 173.

alleged wire-tapping of Nedeljnik newsroom and intercepting data in 2020), no official cases of the electronic surveillance over journalists' work in 2022 were recorded.

C3 Efficiency of the justice system regarding threats and violence against journalists

Are there any special units within the institutions of civil justice system designed for investigation and criminal prosecution of threats and acts of violence against journalists?

Since 2013, Serbia has had the Commission for consideration of the facts that were obtained in the investigations that were conducted on the killings of journalists: Slavko Curuvija, Milan Pantic and Dada Vujasinovic. It was established by the Government of Republic of Serbia and it was tasked with establishing a plan and dynamics for collection of evidence and establishing of other circumstances regarding the investigations of murders, as well as cooperation with the authorities responsible for running such investigations, to make a track-record based on the obtained information regarding the course of conducted investigations, to present an opinion on the efficient manner of improving the conducting of investigations and propose concrete steps to be taken. In the murder case of journalist Milan Pantic, the Higher Public Prosecutor's Office in Jagodina had sent the information to Special Prosecutor's Office for Organised Crime that took the case over and again deliberated on the documents from the murder case of journalist Milan Pantic.¹³⁵

Do the state prosecutor's office and the Ministry of Interior provide adequate resources for covering the investigation of threats and violence against journalists?

The Republic Public Prosecutor's Office and the MI have ensured good resources to work on resolution of the issue of journalists' safety. Under the Prosecutors' Mandatory Instructions, the RPPO has ensured in total 113 contact points for the safety of journalists in basic, higher and appellate public prosecutor's office, en-

sureing good work capacities.¹³⁶ On the other hand, depending on the availability of their officials, the MI has more than one hundred police officers – contact points in local, city and municipality police administrations in charge of monitoring the proceedings upon the reported cases when journalists are injured parties.

Are the investigations of crimes against journalists, including intimidation and threats, conducted quickly, objectively and efficiently?

The investigations of the reported incidents against journalists are initiated quickly and efficiently, however depending on the case, in the subsequent phases, they get considerably slowed down.¹³⁷ Representatives of competent authorities, in particular Special Prosecutors' Office for Combating High-Tech Crime, act very quickly on received cases, not only in accordance with provided instructions, but within a couple of hours. However, collecting evidence, treatment of women and men journalists as injured parties create dissatisfaction with damaged parties and expert public. Further investigation mostly depends on the objective element of probability of expressed threat, but subjective fear and feeling of endearment with journalists are often neglected. The prosecutors' actions often leave the impression of selective approach and lack of efficiency in some cases, which reveal many problems in understanding criminal offences against journalists. Although the number of solved cases increased, the majority of cases never get to trial. In 2022, 81 criminal charges/reports were submitted to public prosecutor's offices related to events against journalists. Three cases ended with convictions, while one case ended with acquittal, and plaintiff appeal is ongoing. In 8 cases, the criminal charges were dismissed, while in 18 cases the official note was written of no grounds to initiate criminal proceedings. In 6 ongoing cases, the proceedings before the court are ongoing under the public prosecutor's indictment, while in 6 cases the evidence collecting is ongoing. In 32 cases, the request to collect required notifications is submitted, while in 2 cases the letters rogatory were submitted. In 5 cases, even after all measures were taken in pre-investigative proceedings, the potential perpetrator has not been identified.¹³⁸

¹³⁵ JAS, Murder case of journalist Milan Pantic taken over by Prosecutor's Office for Organised Crime, accessed on 21 January 2023, <https://www.uns.org.rs/sr/desk/UNS-news/136315/slucaj-ubistva-milana-pantica-preuzelo-tuzilastvo-za-organizovani-kriminal.html>

¹³⁶ Safe journalists, "Prosecutor's Office", <https://bezbedninovinari.rs/article/24/tuzilastvo>

¹³⁷ The table with the most serious cases in the last 5 years is shown on pages 30-33 of this Report

¹³⁸ RPPO Statistical Report for 2022, accessed on 14 January 2023; *Statistical data on actions of public prosecutor's offices 31 December 2022* <http://www.rjt.gov.rs/ci/%D0%91%D0%95%D0%97%D0%91%D0%95%D0%94%D0%9D%D0%9E%D0%A1%D0%A2-%D0%9D%D0%9E%D0%92%D0%98%D0%9D%D0%90%D0%A0%D0%90>

Are journalists provided with protection when necessary as a response to credible threats to their physical safety?

The provided protective measures for journalists often do not correspond to the threats they are subject to. Apart from individual cases with adequate reaction, there are numerous cases of failing to protect journalists and even providing them with the adequate response related to protection. After security assessment, the members of SWG and journalists Veran Matic and Ljiljana Stojanovic have been given police protection at the territory of Vranje and Leskovac, after threats made by then defendant Dejan Nikolic Kantar from Vranje, who was later sentenced for endangerment of safety of the owner and OK radio journalists Olivera Vladkovic from Vranje. For the purpose of improving position of victims and witnesses of criminal offences, the MI adopted internal acts for the police actions regarding victims of criminal offences. Such instruction will be obligatory for all police officers when informing and assessing vulnerability risks and needs for protection and support measures, however, there are still no available data on the application of this act.

In cases of final judgments, are sanctions pronounced only to perpetrators or instigators/ordering parties?

The case law still shows variable results in reference to the charges filed and decisions adopted. Systemically important cases (such as the murder case of Slavko Curuvija and the incineration of Milan Jovanovic's house) still struggle to be tried before various court instances, and there were retrials in these cases due to huge formal and essential omissions in the work of acting courts. However, the practice shows that it is important that in mentioned cases the verdicts were ruled for not only direct perpetrators, but also ordering parties and instiga-

tors. In 2022, first-instance verdicts were ruled, and in February 2023, the verdicts were endorsed and Dejan Nikolic Kantar was sentenced to 14 months of imprisonment, Slavisa Kocic and Bojan Tanaskovic to 8 months of imprisonment for endangering safety and threats made against OK Radio from Vranje. This verdict is a fine example of judiciary efficiency and a message to powerful people and criminals in local environments. Out of a total number of submitted charges before competent public prosecutors' offices (446), since the records on those had been established in 2016, by the end of 2022, 51 case ended with conviction, while in 20 cases the perpetrator was sanctioned by imposing of the obligation from Criminal Procedure Code regarding deferred criminal prosecution (opportunity), whereby these obligations have all been met. In one case against juvenile perpetrator of criminal offence, the diversion order was applied, and the pronounced sentence was executed completely.

Do the institutions organise relevant training for the police, prosecutors, lawyers and judges with regard to the protection of freedom of expression and journalists? Are these training sessions organised in cooperation with journalists' associations?

The workshops are not part of the regular activities planned by RPPO and MI, so these are not implemented from their own resources and capacities. The trainings are mostly organised in the scope of the international projects, so in 2021 and 2022, four workshops and trainings were implemented by the Council of Europe for the contact points – MI members for the purpose of understanding the problems the journalist are facing, increasing the capacities related to procedures and criminal offences against journalists. Workshops and trainings include active participation of journalists' organisations in line with Agreement on Cooperation and Measures of Increasing Awareness of Journalists Safety.

Conclusions and Recommendations

A. Media freedom and freedom of expression are guaranteed, freedom of expression is enabled in practice, but, there is almost no liability, and irregularities and abuse are not penalised. Commenced amendments to the Law on Public Information and Media continued, Draft Law on Electronic Communication was made, and Working group for drawing up Law on Electronic Media was established. REM fails to fulfil its functions independently and non-discriminatory, continually placing some subjects into more favourable position than the others do, which is discriminatory. In 2022, REM Council awarded TV licences to televisions with national coverage – Prva, Pink, Happy and B92, that already had them. Most of the funds are distributed selectively, unfairly and somewhat transparently, and the largest share of funds is distributed to the media that are almost regular violators of the Code or represent the support of the authorities. Full public broadcasters' independence from the state budget is still not realised, so in the budget of Serbia for 2022 and 2023, RTV has secured funds for regular financing. Journalists were the subjects of several lawsuits for various forms of violations against honour and reputation through SLAPP lawsuits. The largest problem in the proceedings still comes from how some judges treat politicians and powerful people without questioning the veracity of allegations from articles. Lawsuits create great pressure, along with the judgments against journalists who report from trials, thus increasing elements of self-censorship. Following the 2022 elections, the media situation is characterised by unequal position between government representatives and opposition in the media with national coverage, and bias in reporting is noticeable. Political parties and candidates do not have fair and equal access during election campaigns. Election process in Serbia is characterised by unequal conditions for election participants, which is a consequence of the majority of media favouritism of government representatives. The position of journalistic sources has been compromised by two, now

withdrawn Draft Laws on Internal Affairs, which would directly jeopardise acquired rights by unauthorised and unfounded collection and processing of biometric data. Institutions are considered partially open, with a trend of declining transparency in their work.

B. Social and economic position of female and male journalists in Serbia remains very unfavourable. Unlike the private sector, especially in local communities, the salaries in public broadcasters are above the national average. The poor status of journalists and media workers who are hired based on contracts outside an employment relationship is still present. By the end of 2022, Radio Television of Serbia adopted its Code of Ethics for the first time. The political pressure on editors consequently journalists is highly pronounced, and this is one of the reasons of the visible absence of topics important for the public, rise of self-censorship and soft censorship. Investigative portals are especially under the target of smear campaigns, organised pressures and online insults. Free selection of topics that journalist would work on largely depends on the media, notably its organisation and editorial policy applied in that media. Out of all forms of censorship present in media, self-censorship is most pronounced and linked to problems of economic and financial nature. The position of a female journalist in the economic sphere is more uncertain compared to male counterparts, and they are exposed to numerous pressures and attacks of misogynistic nature. Female journalists are often exposed to gender-based pressure. There are many such forms of pressure and they stem from the specific social context and relationship towards women. Investigative female journalists' salaries are lower, their employment status is insecure and they are prone to huge exhaustion.

C. In 2022, according to the journalist attack database of the Safejournalists network ([Safejournalists.net](https://safejournalists.net)), there was in total 54 incidents registered in Serbia, categorised as cases of attack on journalists and media workers. There was a drop in number of threats, forms of intimidation and harassment of journalists in previous year. There were 8 cases of various forms of verbal threats and harassments, often online, i.e. social media, but the most severe cases were done by physical means. Number of serious verbal threats has dropped compared to last year, so 23 cases were recorded, yet, although it dropped, the individual threats are very serious. In 2022, the number of physical assaults is somewhat higher compared to previous year and 10 such cases were recorded. The physical assaults are linked with journalists reporting from various rallies and other events characterised by participants' violent behaviour. The number of attacks and threats to media companies is identical as in 2021. There were 13 such incidents recorded, the most against Nova S and TV N1 crews. The particular situation of the Ukrainian war caused huge rise in number of threats by planting bombs. There are sev-

eral protocols and documents in Serbia that have been created to provide working guidelines for attacked journalists, in accordance with that, mechanisms were developed to monitor and report on incidents against journalists. The representatives of authorities only give statements in specific cases, if there have been grave physical assaults, but they often initiate serious attacks themselves. The selective and periodic response, absence of fierce condemnations of serious pressures, targeting and accusations against journalists tells about double standards when it comes to recognising and condemning attacks. The Republic Public Prosecutor's Office and the MI have ensured good resources to work on resolution of the issue of journalists' safety. The investigations of the reported incidents against journalists are initiated quickly and efficiently, in particular with Special Prosecutors' Office for Combating High-Tech Crime, however in public prosecutor's offices, depending on the case, in the subsequent phases, cases get considerably slowed down. The prosecutors' actions often leave the impression of selective and inefficient approach in some cases, which reveal many problems in understanding criminal offences against journalists and specific political pressure they endure. Although the number of solved cases increased, the majority of cases never get to trial. The case law still shows variable results in reference to the charges filed and decisions adopted.

General conclusions: Media freedom and freedom of expression are guaranteed, freedom of expression is enabled in practice, but, there is almost no liability, and irregularities and abuse are not penalised. Regulatory Authority for Electronic Media (REM) is not executing its functions in a way that could be described as independent and non-discriminatory. Distribution of funds to media is selective, unfair and partially transparent, and majority of money is allocated to regular violators of Journalists' Code. Social and economic position of women and men in journalism in Serbia is very unfavourable, with pronounced political pressure on editors and journalists so topics relevant for public are avoided and self-censorship is present. Female journalists are often exposed to gender-based pressure. Such forms of pressure with occasional serious attacks are growing. There was a drop in number of threats, forms of intimidation and harassment of journalists in previous year. Although there were fewer threats than last year, they were very dangerous, and in some cases, this required serious protection and reaction from the police. The representatives of authorities only give statements in specific cases, if there have been grave physical assaults, but they often initiate targeting themselves which brings about serious attacks. The investigations of the reported incidents against journalists are initiated quickly and efficiently, however depending on the case, in the subsequent phases they get considerably slowed down. The impression of selective and inefficient ap-

proach in some cases is created, and reasons are always to be found in lack of understanding of journalists' position, deficit of sensitivity and political pressure over prosecutors. Judges also fail to understand the gravity of journalistic job, albeit huge number of cases is prosecuted, number of convictions remains small and has no deterring effect on attackers. The impression of impunity is prevailing in cases of attacks against journalists.

Recommendations

Improvement of the legislation:

Dimension A

- Amendments to the relevant laws related to the media freedoms must be in line with the rights acquired and guaranteed under the law in application and the Media Strategy as well. The amendments to LPIM and LEM must strictly adhere to the predictions from the strategy, but acquired rights may not be diminished or abolished;
- Law on Electronic Media should be aligned with EU's Audiovisual Media Services Directive (AVMSD);
- Law on Public Service Broadcasting amendments and improvements are necessary;
- The work of Regulatory Authority for Electronic Media should be improved, by selection of truly independent and unbiased professionals, and through stability and independence of work of this body, by following:
 - The authorised proposers for the appointment of REM members should be changed, to ensure members' greater independence and greater stability of REM by safeguarding its financial independence, by enlarging the revenue from the resources realised by penalising broadcasters, reducing political influence and pressure from the authorities and higher transparency when setting up the financial plan;
 - Provide REM with possibility of directly imposing fines to broadcasters when establishing the violations of laws and bylaws;
 - Establish appropriate responsibility of the REM Council and responsible persons in professional services regarding identified failures in application of regulations;
 - Legally and precisely identify and establish permanent obligation of REM to carry out monitoring during election campaigns, specify and establish objective criteria for monitoring, ensure public disclosure of the findings and constant informing of the public, as well as the responsibility for disclosed data and the results;
- REM must carry out mandatory supervision instead of the Interim Supervisory Body for Media Monitoring. The introduction of the special bodies for media monitoring must be carried out in line with media regulations and competences given;
- Amend suggested Draft of the Rulebook on the manner of performing the obligations of public broadcasters during election campaign and regulate it so it would cover all providers of media services and not only public broadcasters;
- REM must ensure higher transparency in their work, responsibility for the actions undertaken or failures to carry out the same actions within its competences, and better communication with citizens and public;
- Amend laws and bylaws for improving the process of project co-financing of media content in public interest, in the following manner:
 - Stipulate obligation of launching competitions for co-financing of media content, and liability and sanctions for responsible persons in cases of failure to launch them;
 - Ensure independence of co-financing from the political influence by introducing the obligations for responsible persons to publish competitions at the beginning of the year;
 - Introduce mandatory needs analyses for media content in order to establish public interest for each individual local self-government;
 - Define clear criteria for selection of members into expert commissions and responsibility in the event of abuse, by prescription of sanctions for non-abiding by the regulations;
 - Obligate expert commissions to consider the decisions of the regulatory body and Press Council when deciding on the distribution of funds;
 - Improve the control mechanism for the co-financing procedures and introduce a more efficient legal instrument in this field. When it comes to more efficient legal instruments, it is necessary to raise awareness on the efficiency of the inspection, in particular the administrative inspection for the purpose of implementing regulations, and budget inspection for controlling the purpose and appropriate purpose of projects;
 - Introduce mandatory evaluation of realised projects for all institutions and introduce the implementation of external financial audit of media that received the funds above certain threshold;
 - Ensure better and more efficient control of implemented competitions, realisation of the assigned topics and contracts through obligatory programmes of auditing the allocation and spending of the funds, envisaging and introducing occasional planned audits of projects purpose;

- Advertising in media should become one of the priorities in the work of the Government of the Republic of Serbia regarding control and responsibility of spending funds, including the implementation of the solutions on advertising taken over from the Media Strategy through existing regulations, by paying special attention to determining the supervision over the implementation of such provisions, and designing measures with the purpose of regulating the conflict of interest;
- Introduce special rules for political advertising in order to prevent officials campaigning, and potential abuse by the political parties in power, ensure transparency of political advertising and spending of funds by the political parties on the web platforms during the election campaign;
- For the purpose of the further improvement of the legal regulations, establish the obligation of the public broadcasters and their webpages – portals that in form of the hidden advertising publish the news with illustrations and statements;
- Regulate the supervision over the use of personal data by political parties for the political campaign through special regulations;
- Additionally strengthen the access to information to ensure support for journalists in reference to public authorities that ignore, fail to act upon requests, provide false answers and abuse deadlines for delaying the responses, in particular with public authorities in local self-governments;
- Ensure protection of journalistic sources and reduce effects of biometric collection and processing of data, including accountability of persons working on it. Especially strengthen liability and sanctioning of persons abusing and causing damage against sources and journalists.

Dimension B

- Amend laws and bylaws to ensure higher independence of public broadcasters (PBs): higher financial independence of public broadcasters, transparency, communication and accountability before the public, higher independence of the Managing Board, precisely defining the role and jurisdiction of the Programme Council with the aim of ensuring higher level of independence compared to management board and external pressure.
- Strategically predict and work on development of special system of the anti-SLAPP regulations to protect journalists and media from malicious lawsuits, and establish the responsibility of the representatives of the authorities in particular those who abuse such lawsuits;
- Align court practice in indemnification proceedings against journalists in reference to publishing of infor-

mation with the practice of the European Court for Human Rights;

- Ensure better status of journalists and other media professionals in terms of the labour law by:
 - Signing of sectoral collective agreement that would ensure better working conditions, support trade union organisation and more efficient inspections to reduce grey market;
 - Establish measures and procedures for improving status of female journalists, female editors and women working in media, by creating better conditions for the bigger share of women in management positions;
 - Ensure greater independence of journalists and newsrooms in relation to the owners and management by signing special acts that would enable such independence or envisage the signing of annexes to employment contracts that define professional rights and obligations of journalists and editors.

Dimension C

- Ensure greater safety of journalists and other media professionals:
 - It is extremely important to disclose and solve all cases of attacks on journalists and endangerment of their safety as soon as possible;
 - Clearly and precisely define the scope of work of all working groups with regard to journalists' safety, harmonise their work and raise the level of cooperation;
 - Ensure urgent and quick reaction in practice without exceptions in all cases of attacks and threats that have the elements of criminal and misdemeanour offences;
 - Communication strategies of public prosecutors' offices and the MI must be raised to a higher level. Public prosecutors' offices and MI should be broadly open regarding the transparency of their procedures, to the extent of not jeopardising the prosecutor's investigation and actions by supporting public prosecutors and their deputies to address the public and communicate on the cases they are in charge of, but also to the extent of protecting the proceedings, investigation and prosecutor's office itself;
 - Ensure clear, unambiguous and non-selective condemnations of any violence against journalists by high public officials in order to convey a message on inadmissible conduct;
 - Achieve continuity of training intended for police and prosecutor's office members within the scope of public prosecutor's office to improve reaction of the MI and prosecutors within the scope of their competences;

- Ensure clear and non-selective internal accountability with bodies responsible for prosecuting the perpetrators of criminal offences against journalists;
- The key change is the amendment to the criminal legislation in practice of understanding the specific criminal offences that protect journalists, such as endangerment of safety under Article 138 para. 3 of the Criminal Code, or more precise interpretation of the special part regarding the endangerment of safety under Article 138a, by introducing offences to protect journalists as human rights defenders;
- Introducing new forms of criminal offences against journalists and increased protection with the existing criminal offences;
- Involving judges in the issues of the journalists safety and consequences of attacks and threats, with focus on the substance of the criminal offence against journalist;
- Ensure attained levels and additionally improve protection for journalistic sources in relation to potential adverse effects of other regulations that could deteriorate their position (such as the Draft Law on Internal Affairs).

